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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FIFTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the 2nd Session of the Seventh Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO, ON THE ELEVENTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-TWO.

1892
24661

HIS HONOUR
SIR ALEXANDER CAMPBELL, K.C.M.G.,
LIEUTENANT-GOVERNOR.

Toronto:
PRINTED BY LUD. K. CAMERON.
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
1892.

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14/9/92

1892.—55 VICTORIA.

SECOND SESSION, SEVENTH LEGISLATURE.

TABLE OF CONTENTS.

CAP.		PAGE.
1.	An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-two, and for other purposes therein mentioned	1
2.	An Act respecting Voters' Lists in Unorganized Territories	6
3.	An Act to amend and Consolidate the Acts respecting Elections of Members of the Legislative Assembly	11
4.	An Act respecting the Appointment of a Commissioner to the Columbian Exposition	96
5.	An Act to amend the Act respecting the Office of Sheriff	96
6.	An Act to provide for the Payment of Succession Duties in certain cases	97
7.	An Act to Amend the Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay	102
8.	An Act to confirm a certain agreement made between the Commissioners of the Queen Victoria Niagara Falls Park and The Canadian Niagara Power Company, and to enable the said Company to carry the agreement into practical effect	103
9.	The Mines Act, 1892	113
10.	An Act for the Protection of the Provincial Fisheries	140
11.	An Act to amend the Division Courts Act	145
12.	An Act reducing the number of Grand Jurors	146
13.	An Act to amend The Jurors' Act	146
14.	An Act to amend the Law of Evidence	147
15.	An Act respecting the duty of Sheriffs on arresting persons under Civil Process	148
16.	An Act respecting County Police Magistrates	149
17.	An Act respecting the Fees of Certain Public Officers	150
18.	An Act respecting the Courts in Algoma and Thunder Bay	152
19.	An Act for the further Protection of Bees	153
20.	An Act to amend the law relating to Mortmain and Charitable Uses	154
21.	An Act to amend The Registry Act	155

CAP.		PAGE
22.	An Act to amend The Registry Act	156
23.	An Act for the further Protection of the Public interest in Rivers, Streams and Creeks	156
24.	An Act to amend The Land Titles Act	157
25.	An Act to further amend the Law respecting Assignments and Preferences by Insolvent Persons	157
26.	An Act to further amend the laws repecting Sales and Mortgages of Personal Property	158
27.	An Act to amend the Act respecting Wages	159
28.	An Act to amend the Act respecting Limited Partnerships	160
29.	An Act to amend the Act respecting Infants	160
30.	An Act to Consolidate the Acts respecting Compensation to Workmen in certain cases	161
31.	An Act to amend the Act respecting the law of Landlord and Tenant	172
32.	An Act to provide for the Admission of Women to the Study and Practice of Law	173
33.	An Act to amend the Act respecting Dentistry	173
34.	An Act to incorporate the Association of Ontario Land Surveyors and to amend the Act respecting Land Surveyors and the Survey of Land	177
35.	An Act to amend The Ontario Joint Stock Companies' Letters' Patent Act	188
36.	An Act to amend The General Road Companies' Act	189
37.	An Act to amend The Timber Slide Companies' Act	190
38.	An Act to amend the Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water	193
39.	An Act respecting Insurance Corporations	194
40.	An Act to amend the Act respecting Building Societies	237
41.	An Act respecting Aid to certain Railways	238
42.	An Act to Consolidate the Acts respecting Municipal Institutions	241
43.	The Municipal Amendment Act, 1892	544
44.	An Act respecting Bonuses by Municipal Corporations in certain cases	556
45.	An Act to amend the law respecting Municipal Institutions in the Outlying Districts	557
46.	An Act to amend The Debentures Registration Act	557
47.	An Act to amend The Free Libraries Act	558
48.	An Act to consolidate the Acts respecting the Assessment of Property	559
49.	The Assessment Amendment Act, 1892	645
50.	An Act respecting the Collection of Taxes in the District of Muskoka and Parry Sound	652
51.	An Act to amend the Liquor License Act	652
52.	An Act respecting the use of Tobacco by Minors	656
53.	An Act to amend the Act providing against Frauds in the Supplying of Milk to Cheese or Butter Manufactories	656
54.	An Act for the Protection of Persons employed in places of business other than Factories	658
55.	An Act to amend the Act to impose a Tax on Dogs and for the protection of Sheep	659

CAP. PAGE.
56. An Act to Prevent the Wasting of Natural Gas and to Provide for the Plugging of all Abandoned Wells 659
57. An Act to amend the Drainage Trials Act, 1891 661
58. An Act to amend the Act for the Protection of Game and Fur-bearing Animals 663
59. An Act to amend the Act to Encourage the Destroying of Wolves 670
60. An Act to amend and explain certain portions of the School Laws 671
61. An Act to amend Chapter 230 of the Revised Statutes of Ontario, entitled "An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges" 672
62. An Act to amend Chapter 231 of the Revised Statutes of Ontario, entitled "An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College" 673
63. An Act to empower the University of Toronto to deal with certain Upper Canada College Lands 674
64. An Act to consolidate the Floating Debt of the Town of Brockville 677
65. An Act to consolidate the Debt of the Town of Chatham 679
66. An Act to confer certain powers upon the Chatham Waterworks Company .. 685
67. An Act to consolidate the Debt of the Town of Cobourg 686
68. An Act respecting the Dundas and Waterloo Macadamized Road 692
69. An Act to confirm By-law No. 288 of the Township of Elma 695
70. An Act to incorporate the Town of Fort William 698
71. An Act to consolidate the Debt of the Town of Goderich 704
72. An Act to amend an Act respecting the Public Burying Ground in the City of Guelph 708
73. An Act to amend an Act respecting the Township of Harvey in the County of Peterborough 715
74. An Act respecting the City of London and the West Ontario Pacific and certain other Railway Companies 716
75. An Act to incorporate the Town of Mattawa 719
76 An Act to amend the Law respecting the Municipality of Neebing 722
77. An Act respecting the Village of Niagara Falls 727
78. An Act to confirm By-laws Numbers 76 and 77 of the Town of North Toronto, and for other purposes 729
79. An Act to consolidate the Debt of the Town of Oshawa 740
80. An Act respecting the City of Ottawa 745
81. An Act to consolidate the Debt of the Town of Owen Sound 746
82. An Act respecting the Town of Port Arthur 751
83. An Act to incorporate the Town of Rat Portage 753
84. An Act to enable the Corporation of the Village of Renfrew to issue certain Debentures 760
85. An Act to provide for the division of the Township of Sandwich East 764
86. An Act respecting the Township of Seymour 766
87. An Act respecting the Debenture Debt of the Town of Strathroy 767
88. An Act to incorporate the Town of Sudbury 771
89. An Act to incorporate the Town of Thessalon 774
90. An Act respecting the City of Toronto 779

CAP.		PAGE.
91.	An Act respecting The Town of Toronto Junction	799
92.	An Act to incorporate the City of Windsor	808
93.	Act to further amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company	810
94.	An Act to incorporate The Carp, Almonte and Lanark Railway Company	811
95.	An Act to incorporate The Hamilton, Grimsby and Beamsville Electric Railway Company	824
96.	An Act to incorporate the Niagara Falls Park and River Railway Company	838
97.	An Act to incorporate the Ontario Ship Railway Company	860
98.	An Act respecting the Toronto and Mimico Electric Railway and Light Company (Limited)	874
99.	An Act to incorporate the Toronto Railway Company and to confirm an agreement between the Corporation of the City of Toronto and George W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth	888
100.	An Act respecting the Kingston Light, Heat and Power Company	931
101.	An Act to amend the Act to incorporate the Mercantile Fire Insurance Company	932
102.	An Act to incorporate the Peoples' Life Insurance Company	933
103.	An Act to incorporate the Toronto and Ashbridge's Bay Improvement Company	937
104.	An Act to incorporate the Hillcrest Convalescent Home	951
105.	An Act to incorporate the Hospital for Sick Children	954
106.	An Act to amend the Act incorporating the Synod of the Diocese of Niagara and to authorize the sale of certain lands	956
107.	An Act to amend the Act to incorporate the Western University of London, Ontario	959
108.	An Act to enable Mary Soden to sell certain Lands in the City of Guelph	961

55 VICTORIA.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-two, and for other purposes therein mentioned.

[*Assented to 14th April, 1892.*

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by messages from His Honour, the Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-two; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

$3,679,907.13 granted out of the Consolidated Revenue Fund for certain purposes.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and seventy-nine thousand nine hundred and seven dollars and thirteen cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and ninety-two as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-three as set forth in schedule B to this Act.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-two, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-two and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House	$1,950 00	
Lieutenant-Governor's Office	3,980 00	
Executive Council and Attorney-General's Office	20,300 00	
Education Department	19,150 00	
Crown Lands Department	58,180 00	
Department of Public Works	20,900 00	
Inspection of Public Institutions	11,775 00	
Treasury Department	30,745 00	
Department of Agriculture	28,315 00	
Secretary and Registrar's Department	19,635 00	
Department of Immigration	1,650 00	
Provincial Board of Health	8,350 00	
Miscellaneous	15,150 00	
		$240,080 00

LEGISLATION.

To defray expenses of Legislation $124,600 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	$56,758 00	
Surrogate Judges and Local Masters	25,560 00	
Miscellaneous Criminal and Civil Justice	319,381 67	
		$401,699 67

EDUCATION.

EDUCATION.

To defray expenses of :—

Public and Separate Schools	$241,776 92	
Schools in Unorganized Districts and Poor Schools	35,000 00	
Kindergarten Schools	3,000 00	
Night Schools	1,000 00	
Public School Leaving Examinations	3,000 00	
High Schools and Collegiate Institutes	100,000 00	
Model Schools	9,000 00	
Special grant to French Training School	800 00	
do Public Schools in unorganized districts for training District Teachers	1,000 00	
Teachers' Institutes	2,300 00	
Ontario School of Pedagogy (grant)	1,500 00	
Inspection of Schools	55,050 00	
Departmental Examinations	18,000 00	
Ontario School of Pedagogy (maintenance)	4,900 00	
Normal and Model Schools, Toronto	23,490 00	
Normal " " Ottawa	22,390 00	
Library and Museum	5,300 00	
School of Practical Science	15,770 00	
Mechanics' Institutes, Art Schools, Literary and Scientific	50,450 00	
Miscellaneous	2,500 00	
Superannuated and Public and High School Teachers	59,800 00	
		$656,026 92

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	$100,442 00	
Mimico Branch	67,158 00	
Asylum for the Insane, London	130,996 00	
Asylum for the Insane, Kingston	79,672 00	
Asylum for the Insane, Hamilton	122,857 00	
Asylum for Idiots, Orillia	65,002 00	
Central Prison, Toronto	122,800 00	
Provincial Reformatory, Penetanguishene	38,050 00	
Institution for the Deaf and Dumb, Belleville	43,971 00	
Institution for the Blind, Brantford	35,624 00	
Mercer Reformatory for Females	29,206 00	
		$835,778 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration $10,000 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture $174,595 00

HOSPITALS.

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities		$151,715 73

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House	$ 7,500 00	
Parliament Buildings:—		
Main Buildings	9,900 00	
West Wing	1,800 00	
East Wing	3,050 00	
Education Department (Normal School Building)	9,200 00	
Rented premises, Simcoe Street	2,700 00	
Rented premises, Wellington Street	1,550 00	
Miscellaneous	3,208 00	
Normal School, Ottawa	3,350 00	
School of Practical Science	2,000 00	
Agricultural College	6,350 00	
Agricultural Hall	650 00	
Osgoode Hall	8,640 00	
		$59,898 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	$10,930 00	
Mimico Cottages	58,612 00	
New Asylum	70,000 00	
Asylum for the Insane, London	38,750 00	
Asylum for the Insane, Hamilton	42,500 00	
Asylum for the Insane, Kingston	23,510 00	
Asylum for Idiots, Orillia	4,100 00	
Reformatory, Penetanguishene	6,200 00	
Reformatory for Females, Toronto	3,364 00	
Central Prison, Toronto	47,550 00	
Deaf and Dumb Institute, Belleville	13,580 00	
Blind Institute, Brantford	12,010 00	
Agricultural College, Guelph	29,300 00	
Normal School and Education Depart't, Toronto	9,000 00	
Normal School, Ottawa	22,500 00	
School of Practical Science, Toronto	10,800 00	
Osgoode Hall, Toronto	3,350 00	
Government House, Toronto	700 00	
District of Algoma	2,350 00	
Thunder Bay District	875 00	
Rainy River District	4,000 00	
Muskoka District	3,500 00	
Parry Sound District	2,900 00	
Nipissing District	9,800 00	
Miscellaneous	275 00	
		$430,456 00

PUBLIC WORKS.

To defray expenses of Public Works	$36,978 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs	$106,050 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	$135,209 00

REFUNDS.

Education	$1,000 00	
Crown Lands	18,500 00	
Municipalities Fund	1,459 92	
Land Improvement Fund	2,155 89	
		$23,115 81

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	$163,705 00

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses	$50,000 00
Total estimates for expenditure of 1892	$3,599,907 13

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-three, and the purposes for which it is granted.	
To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1893	$ 80,000 00
Total	$3,679,907 13

CHAPTER

CHAPTER 2.

An Act respecting Voters' Lists in Unorganized Territories.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lists and qualification in unorganized territory. 51 V. c. 4.

1. Voters' lists shall be prepared for unorganized territory where there are no assessment rolls, and for the purposes of the said lists the qualifications and disqualifications of voters shall (as nearly as may be) be the same as under *The Manhood Suffrage Act.*

Residence necessary to qualify. 51 V. c. 4.

2. The period of residence in this Province necessary to entitle a person in such territory to have his name inserted in a voters' list shall be nine months before and up to the first day of June of the year in which the voters' list is being prepared, and the necessary residence in the electoral division shall be from the said first day of June continuously up to the time of tendering his vote, subject to the exceptions mentioned in the fourth section of *The Manhood Suffrage Act* and any amendments thereto.

Sheriff to prepare lists.

3. The lists shall be prepared annually by the sheriff of the electoral division or such part thereof over which he has jurisdiction as sheriff.

Police magistrate to act where no sheriff.

4. (1) In case there is no sheriff for the division or some part thereof the duties by this Act assigned to a sheriff shall be performed by a police magistrate having jurisdiction as such in some part of the electoral division, or by the senior police magistrate if there are more police magistrates than one in the electoral division, and the police magistrate performing the duties shall have the same powers in the matter as a sheriff would have.

(2) Every sheriff or police magistrate shall before entering upon his duties take an oath of office before a district or county judge or stipendiary magistrate in the Form C to this Act, which oath he shall forthwith thereafter cause to be filed with the clerk of the Crown in Chancery at Toronto

Copy of Act and notice of preparation of list to be posted up.

5. So soon after the first day of June in each year as may be convenient, the officer whose duty it is to prepare a list of voters under this Act shall cause to be posted in a conspicuous manner at every public and separate school house and at every statutory polling place in the electoral district for which such

list

list is to be prepared and at all other places in the said district at which a poll was held at the last election to the Legislative Assembly a copy of this Act and one or more printed notices in the form A appended to this Act. And he shall attend accordingly at the time and place mentioned in the said notice.

Duties of sheriff or magistrate.

6. Save as otherwise provided by this Act, the sheriff or police magistrate (as the case may be) shall perform the duties assigned elsewhere in the Province to the clerks of municipalities, the Court of Revision, and the Judge, so far as reasonably applicable to the unorganized territory, and the forms and notices, as well as other proceedings generally, shall unless otherwise provided by this Act be the same as nearly as may be, and be taken at and within the same times and with the same effect as in case of the voters' lists elsewhere as aforesaid.

Sheriff or magistrate to ascertain who may vote.

7.—(1) Not less than thirty days after the posting of such notices the sheriff or magistrate shall personally, or by deputies appointed by himself, visit every part of the territory where there is by law required to be a polling place or where a poll was held by order of the Lieutenant-Governor in Council in the previous election to the Legislative Assembly and shall by all convenient means available endeavour to ascertain the names of all the persons who are entitled to have their names inserted in such lists, including any who may deliver to the sheriff or magistrate the affidavit (as nearly as may be) which is provided by the ninth section of *The Manhood Suffrage Act.* 51 V. c. 4.

(2) For the purposes of this Act a sheriff or police magistrate shall not appoint more than three deputies in one electoral district. No officer of any of the Departments shall be appointed a deputy.

List to have separate part for each polling place.

8. The list shall be in several parts, one part for each polling place named by the statute, or by the Lieutenant-Governor in Council, under the authority of the statute in that behalf; and therein the sheriff or magistrate as the case may be shall assign to each polling place the voters for whom the same may appear to him to be most convenient. And a voter shall vote at the polling place so assigned to him and not elsewhere.

Appeal to district or county judge.

9. (1) There shall be an appeal to the stipendiary magistrate having jurisdiction in the locality, or where there is no such stipendiary magistrate then to the District or County Judge in the same manner as an appeal lies from the Court of Revision to the County Judge under the Acts heretofore passed, and the stipendiary magistrate or judge is to attend to hear the said appeals at such places in the division as may be reasonably convenient for the parties concerned, and to give due notice thereof as the case may require.

(2)

(2) Any voter may appeal to a stipendiary magistrate or district or county judge with respect to the polling place at which his name is entered as voter as well as in regard to any other matter or thing for which appeals are allowed under this Act, *The Manhood Suffrage Act* or *The Voters' Lists Act.*

51 V. c. 4.
52 V. c. 3.

Certified list to be deposited in office of sheriff or magistrate.

10. In case there is no appeal from the list as at first prepared and published within 30 days, or in case of appeal as herein provided, the person by whom such list was prepared, or appeals heard and determined, (as the case may be) shall forthwith, after the said period of 30 days or the determination of such appeals, deposit in the office of the sheriff, the stipendiary magistrate, the police magistrate and the clerk of the peace, a certified copy of such list, and in the event of a vacancy in any of the offices aforesaid, then in such of the said offices as there may be.

Appeals.

11. Appeals shall be heard by the stipendiary magistrate, district or county judge, as the case may be, at all places in the unorganized portion of the electoral district at which appeals are heard under *The Electoral Franchise Act* of the Dominion of Canada or at which sittings of the division court are held and at such other places as in the opinion of the stipendiary magistrate, district or county court judge, as the case may be, may be considered necessary. At least thirty days' notice shall be given for the hearing of such appeals in the Form B to this Act through any newspaper published in the district and by poster as required under section 5 of this Act.

Affidavit verifying voters' list.

12. The sheriff or police magistrate as the case may be, or any deputy acting on his behalf, shall on the completion of the voters' lists for the electoral district for which he has acted, attach thereto the the following affidavit or solemn declaration to be taken or made before the district or county judge or stipendiary magistrate in the form following:—

I, (*name and title*) make oath and say (*or* solemnly declare *or* affirm) that I have set down in the above voters' lists for the electoral district of according to the best of my information and judgment the name of every person entitled to be entered thereon, either under the *Act Respecting Voters' Lists in Unorganized Territories* or *The Manhood Suffrage Act* or any Act amending either of the said Acts, and that I have not intentionally omitted from the said list the name of any person whom I knew or had good reason to believe was or is entitled to be entered thereon under any or either of the said Acts, and further say that I have to the best of my knowledge and belief discharged the duties required of me by the *Act respecting Voters' Lists in Unorganized Territories.*

Sworn *or* affirmed before me at in the county of this day of , 18 .

Fees and expenses.

13. Any judge, sheriff, stipendiary or police magistrate while engaged in preparing or revising the voters' list required by this Act shall be entitled to receive out of any money voted by the Legislative Assembly for this purpose the sum of $4 per day and all personal expenses and disbursements and any person acting as the deputy of such person aforesaid for any purpose required by this Act shall be entitled to receive the sum of $2 per day and all personal expenses and disbursements. All expenses for preparing the list of voters and incident thereto under this Act shall be paid by the Province out of any moneys which may be appropriated for that purpose.

Where no voters' list qualification. to be as heretofore.

14. When in unorganized territory no voters' list has been prepared under this Act, the same property and other qualifications as heretofore are continued with respect to voters in such unorganized territory.

Act incorporated with 52 V. c. 3 and 51 V. c. 4.

15. This Act is to be read as part of the *Ontario Voters' List Act, 1889*, and *The Manhood Suffrage Act* and amendments thereto respectively, and the said Acts shall be deemed to apply to this Act in all respects as nearly as may be.

Officer preparing list not to be a candidate

16. Any officer concerned in the preparation of the voters' list under this Act or any officer in whose custody such voters' list is placed shall not be a candidate for election to the Legislative Assembly at any election for which the voters' list prepared by such officer or in the custody of such officer is used for such election. Nor shall any Police Magistrate or Deputy appointed under this Act have the right to vote at any such election.

Penalty for misconduct of officers.

17. Every person who is appointed to any office or employment under this Act, or required by this Act to do any matter or thing, shall for every wilful misfeasance or for any wilful act of commission or omission contrary to this Act, forfeit to any person aggrieved thereby the penal sum of $500, or such less sums as the jury, or judge, if the case may be tried without a jury, before whom any action brought for the recovery of such penalty is tried, considers just to be paid to such person aggrieved; and the same shall be recoverable by such person with full costs of suit, by suit or action in any court of competent jurisdiction; but nothing herein contained shall interfere with any other remedy, civil or criminal against such person.

Commencement of Act.

18. This Act shall come into force after the 1st day of January, 1893.

FORM

FORM "A."

(*Section 5.*)

VOTERS' LISTS ACT, 1892.

Take notice that (*here insert the name of the Sheriff or Police Magistrate as the case may be*) will be in attendance at (*here insert the place*) from ten o'clock in the forenoon till four o'clock in the afternoon on the days of 189 , to enrol the names of all persons qualified to vote for members of the Legislative Assembly.

Appeals with respect to the omission of voters or the improper enrolment of any alleged voter or to the place at which a voter may vote by the sheriff or police magistrate may be made to the (*here insert the name of the Stipendiary Magistrate or District Judge as the case may be*).

(Signed) Sheriff or Police Magistrate.

Dated at ,
this day of 189 .

FORM B.

(*Section 11*).

VOTERS LISTS ACT, 1892.

Take notice that the undersigned will be in attendance at (*here insert the place*) at o'clock, on the day of , to hear appeals with respect to the voters lists for the electoral district of

(*Stipendiary Magistrate, District or County Judge, as the case may be.*)

FORM C.

(*Section 4*).

OATH OF OFFICE OF A SHERIFF OR POLICE MAGISTRATE.

I, of the of , in the county of and Province of , the revising officer appointed under "The Electoral Franchise Act," in and for the electoral district (*or* portion of the electoral district) of in the Province of , do hereby solemnly swear (*or* affirm) that I will well and faithfully discharge the duties assigned to me by the said Act without favour or partiality; that I will

place

place no name on the list of voters for the said electoral district (*or* portion of the said electoral district) or any of the polling districts thereof, and will strike no name off the same, unless I shall be satisfied that the same should by law be placed on or struck off the same; and that I will in all respects conform to the said Act and the law to the best of my judgment and ability, So help me God.

Sworn before me, at the of in the County of , and Province of this day of A.D. 18 .

(*District or county judge, or stipendiary magistrate, as the case may be.*)

CHAPTER 3.

An Act to amend and consolidate the Acts respecting Elections of Members of the Legislative Assembly.

[*Assented to 14th April, 1892.*

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
QUALIFICATION OF MEMBERS, s. 3.
QUALIFICATION OF VOTERS, ss. 4-7*e*.
POLLING SUBDIVISIONS, ss. 8-14.
RETURNING OFFICERS, ss. 15-22.
GENERAL ELECTIONS, TIME OF POLLING, ETC., ss. 23-26.
NOTICE AS TO SECRECY, s. 26*a*.
ISSUE OF WRIT, s. 27.
BLANK POLL-BOOKS TO BE SUPPLIED, s. 27*a*.
PROCEEDINGS ON RECEIPT OF WRIT, ss. 28-46.
- Proclamation of Nomination Day, ss. 29-37.
- Preparation of polling places, ss. 38, 39.
- Procuring ballot boxes, s. 40.
- Oath to be taken by Returning Officer, s. 41.
- Appointment of Election Clerk, ss. 42-46.

PROCEEDINGS ON THE NOMINATION DAY, ss. 47-51.
WITHDRAWAL OF CANDIDATES AFTER NOMINATION, ss. 52, 53.
PROCEEDINGS WHEN A POLL IS GRANTED, ss. 54-57.
PROCEEDINGS PRELIMINARY TO THE POLL, ss. 58-84.
- Appointment of Deputy-Returning Officers, ss. 58-62.
- Procuring ballot papers, ss. 63-65.
- Procuring ballot boxes, ss. 66, 67.
- Procuring directions to voters, ss. 68, 69.
- Procuring certificates from clerk of Municipality, s. 70.
- Proper Voters' lists, s. 71.
- Poll-Books to be delivered to Clerk of the Peace, s. 78.
- Duty of Deputy-Returning Officer, s. 79.
- Appointment of Poll Clerks, ss. 80-84.

WHERE VOTERS ARE TO VOTE, ss. 85-88.
PROCEEDINGS AT THE POLL, ss. 89-105.
PROCEEDINGS AFTER THE CLOSE OF THE POLL, ss. 106-117.
- Counting of votes by Deputy-Returning Officer, ss. 106-109.

Return

Return of documents to Returning Officer, ss. 110-115.
Delivery of ballot boxes to Clerk of Municipality, s. 116.
Counting of votes by Returning Officer, s. 117.
RECOUNT OF BALLOTS BY COUNTY JUDGE, ss. 118-124.
PROCEEDINGS IN CASE OF LOSS OF VOTERS' LIST, ETC., ss. 125, 126.
RETURN AND PRESERVATION OF DOCUMENTS RELATING TO THE ELECTION, ss. 127-131.
PUBLICATION OF RETURN, s. 132.
INSPECTION OF DOCUMENTS, ss. 133-136.
KEEPING PEACE AND GOOD ORDER—
Powers of Returning and Deputy-Returning Officers, ss. 137-143.
Prohibition as to carrying arms, s. 144, 147.
Party badges prohibited, ss. 145-147.
MAINTAINING SECRECY OF PROCEEDINGS, ss. 148-150.
CORRUPT PRACTICES—
Bribery, ss. 151, 152.
Providing refreshment, ss. 153-155.
Betting, s. 156.
Hiring vehicles, etc., s. 157.
Undue influence, s. 158.
Personation, s. 159.
Voting when person not entitled, s. 160.
Persons accused of certain offences may be tried by a jury, s. 160*a*.
Selling liquor on polling day, s. 161.
PUNISHMENT FOR CORRUPT PRACTICES—
Corrupt practices by candidate or agent, when to avoid election, ss. 162, 163.
Corrupt practices by candidate, when to subject to penalties and disqualification, ss. 164, 165.
Corrupt practices by voter to avoid his vote, ss. 166, 167.
Corrupt practices by persons other than candidates, s. 168.
Employment of agents previously found guilty of corrupt practices to avoid an election, s. 169.
Effect on subsequent election of the avoidance of a prior election, s. 170.
Removal of disqualification on proof that same obtained by perjury, s. 171.
PENALTIES FOR OTHER ILLEGAL ACTS—
Voting when disqualified, s. 172.
Voting more than once, s. 173.
Colourable transfer of property, ss. 174, 175.
Contracts arising out of elections, s. 176.
When penalty not to be recoverable, s. 177.
COURT FOR TRIAL OF ILLEGAL ACTS, ss. 178, 179.
PERSONS NOT EXCUSED FROM GIVING EVIDENCE ON GROUND OF SELF-CRIMINATION, s. 180.
OFFENCES AND PENALTIES—
Falsifying lists, etc., s. 181.
In relation to ballot papers, s. 182.
Injuring documents, s. 183.
Neglect or misconduct of officers, ss. 184-186.
Recovery of penalties, s. 187.
Security for costs, s. 188.
EXPENSES OF CANDIDATES, ss. 189-193.
FEES AND EXPENSES OF RETURNING OFFICERS, ss. 194-196.
CLERK OF CROWN IN CHANCERY, s. 197.
PROPERTY IN BALLOT BOXES, s. 198.
AGENTS, PROVISIONS RESPECTING, ss. 199-202.
POLLING NOT COMMENCED OR INTERRUPTED, s. 203.
NON-JURIDICAL DAYS, s. 204.
NON-COMPLIANCE WITH MATTERS OF FORM, s. 205.
ADMINISTRATION OF OATHS, ss. 207, 208.
COPIES OF ACT TO BE TRANSMITTED TO RETURNING OFFICER, s. 209.
INCONSISTENT ENACTMENTS REPEALED, s. 210.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ontario Election Act, 1892.*" R. S. O. 1887, c, 9, s. 1.

INTERPRETATION.

INTERPRETATION.

2. Where the words following occur in this Act, or in the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :— Interpretation.

1. "Owner" shall signify and mean proprietor, either in his own right or in the right of his wife, of an estate for life or any greater estate, either legal or equitable. "Owner."

2. "Occupant" shall signify and mean a person *bona fide* occupying property otherwise than as owner or tenant, either in his own right or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom to his own use. "Occupant."

3. "Tenant" shall include any person who, instead of paying rent in money, is bound to render to the owner any portion of the produce of such property. "Tenant."

4. "Householder" shall mean a person entered in the revised assessment roll of a city, town, township or incorporated village as sole tenant and occupant of and actually resident in a dwelling-house situate therein, but shall not mean nor include "Householder."

(*a*) A person who is so entered or who is actually a joint tenant or occupant of the dwelling-house with another person ; nor

(*b*) A person who is a mere lodger or boarder in a house.

5. "Local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. "Local Municipality."

6. "Election" shall mean an election of a member to serve in the Legislative Assembly. "Election."

7. "To vote" shall mean to vote at the election of a member of the Legislative Assembly. "To vote."

8. "Electoral district" shall mean a county or other place or portion of this Province, entitled to return a member to the Legislative Assembly. "Electoral district."

9. "Voters' list" shall mean the copy of the voters' list furnished in accordance with section 55 of this Act. "Voters' list."

10. "Last revised assessment roll" shall mean the last revised assessment roll of a city, town, incorporated village or township. "Last revised assessment roll."

11. "Corrupt practices," or "Corrupt practice," shall mean bribery, treating and undue influence, or any of such offences as defined by this or any Act of the Legislature, or recognized by the Common Law of the Parliament of England ; also a violation of sections 153, 157, or 159 of this Act, and a violation of section 161 of this Act during the hours appointed for polling. "Corrupt practice."

"Candidate." 12. "Candidate at an Election" and "Candidate" shall mean a person elected at an election to serve in the Legislative Assembly, and a person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which the writ has been issued; provided that where a person has been nominated as a candidate, or declared to be a candidate by others, then—

(*a*) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to his nomination or declaration or has been elected. R. S. O., 1887, c. 9, s. 2.

QUALIFICATION OF MEMBERS.

No property qualification for members. **3**. No qualification in real estate shall be required of a candidate for a seat in the Legislative Assembly. R. S. O. 1887, c. 10, s. 3.

QUALIFICATION OF VOTERS.

Who shall not Vote.

Persons disqualified from voting. **4**. Judges of the Supreme Court of Judicature for Ontario, County Judges, Officers of the Customs of the Dominion of Canada, Clerks of the Peace, County Attorneys, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown, and Agents for the sale of Crown Lands, Postmasters in cities and towns, Stipendiary Magistrates, and Officers employed in the collection of duties payable to Her Majesty in the nature of duties of excise, shall be disqualified and incompetent to vote at any election;

Penalty. If a public officer or person mentioned in this section votes at an election, he shall thereby forfeit the sum of $2,000, and his vote at the election shall be null and void. R. S. O. 1887, c. 9, s. 4.

Voters' name must appear on certified lists. **4***a*. Subject to the provisions of this Act no person shall be entitled to vote at any election unless his name is on the voters' list as certified by the judge, or one of the lists certified by him under the 17th section of *The Ontario Voters' Lists Act, 1889*. 54 V. c. 5, s. 1, *part*.

Certain officers and persons not to vote. **5**.—(1) No Returning Officer or Election Clerk, and no person who, at any time, either during the election or before the election, is or has been employed at the election or in reference thereto, or for the purpose of forwarding the same, by a candidate or by any person whomsoever, as counsel, agent, solicitor, or clerk, at a polling place at the election, or in any other capacity whatever, and who has received or expects to

receive,

receive, either before, during or after the said election, from any candidate or from any person whomsoever, for acting in such capacity as aforesaid, any sum of money, fee, office, place of employment, or any promise, pledge or security whatever therefor, shall be entitled to vote at the election; but this provision shall not affect the right of the returning officer to give a casting vote under section 117.

(2) The preceding provision shall not apply to Deputy-Returning Officers and Poll Clerks appointed under this Act and receiving as such the fees to which officers are entitled under this Act. R. S. O. 1887, c. 9, s. 5.

Disqualifications.

6. No person shall be entitled to be marked by the assessor as qualified, or shall be entered on a list of voters, or shall vote, who at the time of marking or entering or voting (as the case may be) is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poor house or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf. 51 V. c. 4, s. 6.

Women not to vote.

6*a*. No woman shall be entitled to vote at an election under this Act. R. S. O. 1887, c. 9, s. 6.

Who may Vote.

Who may vote at an election.

7.—(1) Subject to the provisions of this Act every male person of the full age of twenty-one years, a subject of Her Majesty by birth or naturalization, and not disqualified under this Act, and not otherwise by law prohibited from voting, shall, if duly entered on the list of voters in the poll book proper to be used, be entitled to vote at elections to serve in the Legislative Assembly of this Province:

Proviso.

Provided that such person had resided within the Province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote, or had so resided within the Province for the twelve months next preceding the time up to which a complaint may be made to the County Judge, under *The Voters' Lists Act*, or this Act, to insert the name of such person in the list:

52 V. c. 3.

Proviso

And provided that such person was in good faith at the time fixed as aforesaid for beginning to make said roll, or for making such complaint, as the case may be, a resident of, and domiciled in, the municipality in the list of which he is entered, and is, at the time of tendering his vote, a resident of and domiciled within the electoral district, and had resided in the said electoral district continuously from the time fixed as aforesaid

aforesaid for beginning to make said roll or for making such complaint, as the case may be. 51 V. c. 4, s. 3. 53 V. c. 2, s. 2.

Temporary absence not to disqualify.

(2) A person may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student in an institution of learning in the Dominion of Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voter's list as a qualified voter, or to vote. 51 V. c. 4, s. 4.

Voting in city of Toronto.

(3) Where in the city of Toronto a by-election takes place at which but one person is to be elected, voters shall be entitled to vote for one only of the candidates proposed.

In Algoma, etc.

7*a*.—(1) In such of the municipalities, townships and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka, Nipissing and Parry Sound as shall from time to time have no assessment roll or voters' list, and subject to the provisions hereinafter contained, every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and is actually and *bona fide* owner of real estate in the electoral district of the value of $200 or upwards, or who is at the time of the election a resident householder of the place, and has been the owner or householder for the six months next preceding the election.

(*a*) A person is not an owner within the meaning of the provision aforesaid, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

(*b*) In any part of the Electoral District of Algoma West, Algoma East, Muskoka, Nipissing or Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter. R. S. O. 1887, c. 9, s. 7, *part*. 51 V. c. 4, s. 8; 52 V. c. 2, ss. 5-6.

(2) No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality. R. S. O. 1887, c. 9, s. 7, *part*.

Indians.

7*b*. Enfranchised Indians, whether of whole or part Indian blood, shall, like other persons, be entitled to vote without having a property qualification; but every such Indian shall if required by the candidate or agent or by the deputy-returning

returning officer, take the following oath or affirmation in addition to any other oath required of a voter under the law: —51 V. c. 4, s. 7 (1).

"You swear that you are an enfranchised Indian and entitled as such to vote at this election."

Unenfranchised Indians.

7*c*. Unenfranchised Indians, of whole or part Indian blood not residing among Indians or on an Indian reserve, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified under this Act, or otherwise by law prevented from voting, shall, (though they participate in the annuities, interest moneys, and rents of a tribe, band or body of Indians) if duly entered on the list of voters in the poll book proper to be used at the election then pending, according to the provisions of *The Voters' Lists Act*, or of this Act, be entitled to vote at elections of members to serve in the Legislative Assembly of this Province, that is to say:— 52 V. c. 3.

Real property qualification.

Every such Indian who at the time of the election is a resident of and domiciled within the Electoral District for which he claims to vote, and who was at the time of the final revision and correction of the assessment roll entered on the revised assessment roll, upon which the voters' list is based for any city, town, incorporated village or township, for real property of the value hereinafter mentioned.

Value of real property necessary.

In cities and towns, $200;

In incorporated villages and townships, $100;

Joint owners.

(*a*) Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each of them shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

Unenfranchised Indians where there is no assessment roll.

7*d*. (*a*) Where there is no assessment roll the only unenfranchised Indians or persons with part Indian blood who are entitled to vote shall be the following, namely: Unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians or on an Indian reserve, subject to the same property and other qualifications, and to the same provisions and restrictions, as other unenfranchised Indians in cases in which there is both an assessment roll and voters' list.

(*b*) A person alleged by a candidate, or the agent of a candidate, to be an Indian, or person with part Indian blood, shall, if required by the candidate or agent, or by the deputy returning officer, take the following oath or affirmation in addition to any other oath required by a voter under the law:—

You swear that you do not participate in the annuities, interest moneys or rents of any tribe, band or body of Indians, and do not reside among Indians or on an Indian reserve.

 Or,

Or, at his option, the following :—

You swear that you are not an Indian, nor a person with part Indian blood.

R. S. O. 1887, c. 9, s. 7, *part.*

Or, the following :—

You swear that you are an enfranchised Indian and entitled as such to vote at this election.

Unenfranchised Indians

7*e*. Unenfranchised Indians, of whole or part Indian blood residing among Indians, or on an Indian reserve, shall not be entitled to vote. 51 V. c. 4, s. 7 (3).

SUBDIVISIONS FOR POLLING PLACES.

Cities, etc., to be divided into polling subdivisions.

8.—(1) Every city, town, ward, township or incorporated village, having more than two hundred qualified voters therein shall be divided by well defined boundaries, such as streets side lines, concession lines or the like, in the most convenient manner into polling subdivisions by by-law of the municipal council having jurisdiction over the locality, and in such manner that the number of qualified electors in the several polling subdivisions shall be as nearly equal as may be, and shall not in any one exceed two hundred.

Polling subdivisions to be same as for municipal elections.

(2) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections; and the polling subdivisions for elections to the Legislative Assembly and municipal elections, shall hereafter be made the same in all cases, except that the municipal council of every city, town, or incorporated village, may by by-law unite, for the purposes of municipal elections, any two adjoining polling subdivisions.

Alteration of subdivisions.

(3) Any alteration of existing polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists.

(4) For the purpose of enabling the council to make the required alterations, the clerk of the municipality, as soon as he finds that the number of qualified voters in a subdivision exceeds two hundred, shall call the attention of the council to the fact.

(5) In case, through oversight or from other cause, such alterations have not been made prior to the publication of the lists, the alteration in the polling subdivisions shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being made out, and shall not affect the voting on or with respect to any previous voters' lists.

(6) It shall not be necessary for a Returning Officer to redivide a polling subdivision, on account of the same containing more than two hundred voters, so long as it does not contain more than three hundred; but if it contains more than three hundred, he shall divide it into two subdivisions.

(7)

(7) Nothing in this section contained shall be held to relieve the council of a municipality from the duty of making a new division of the voters into polling subdivisions, or re-dividing a subdivision as often as the number of qualified voters in a polling subdivision exceeds two hundred. R. S. O. 1887, c. 9, s. 8.

New subdivision to be made when necessary.

9. Whenever the number of qualified voters in a polling sub-division increases so as to exceed two hundred, or whenever the municipal council consider that the convenience of the electors would be promoted by a new and different subdivision, the city, town, ward, township or incorporated village, shall be again in like manner divided into polling subdivisions so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require. R. S. O. 1887, c. 9, s. 9.

Subdivisions to be based on assessment.

10. Every division made under the next preceding two sections shall be based upon the then last revised and corrected assessment roll of the city, town, ward, township, or incorporated village. R. S. O. 1887, c. 9, s. 10.

Appeal.

11. At any time within two months after the filing of the by-law, an appeal shall lie from any subdivision, at the instance of five of the electors, to the Judge of the County Court, who shall promptly correct the sub-division so as to conform to the true intent and meaning of this Act. R. S. O. 1887, c. 9, s. 11.

Subdivisions to be numbered.

12. The subdivisions shall be numbered consecutively in and by the by-law by which they are established, and a copy of the by-law, certified under the seal of the corporation to be a true and correct copy, and signed by the head or clerk of the municipality, shall be forthwith, after the making thereof, transmitted to and filed in the office of the Clerk of the Peace of the county or union of counties within which the municipality is situate. R. S. O. 1887, c. 9, s. 12.

Duty of Returning Officer in case polling subdivisions have not been established.

13. In case of failure on the part of a municipal council to divide a city, town or other local municipality into polling subdivisions proportioned to the number of electors, as hereinbefore provided, or in case the time to appeal from the division should not have expired before the receipt of the writ, the Returning Officer shall provide as many polling places for polling the votes of the electors in the city, town or other local Municipality, as shall correspond as nearly as may be, with the number of polling places which would have been required if the city, town or other local municipality had been subdivided into the proper number of polling subdivisions. R. S. O. 1887, c. 9, s. 13.

14.

Remuneration to returning Officer for making polling subdivisions.

14. In case it is necessary for a Returning Officer to divide a Municipality or any part thereof into polling subdivisions, he shall be paid by the treasurer of the municipality a reasonable allowance therefor. R. S. O. 1887, c. 9, s. 14.

RETURNING OFFICERS.

Appointment of Returning Officers.

15. No commission shall be required for the appointment of a person to be a Returning Officer at any election for a member to serve in the Legislative Assembly, but the direction of a writ of election to a person named therein as Returning Officer shall be a sufficient appointment of the person as Returning Officer for the election. R. S. O. 1887, c. 9, s. 15.

Returning Officer to be Sheriff or Registrar.

16.—(1) Every writ for the election of a member of the Legislative Assembly shall be addressed to the Sheriff, or to the Registrar of deeds, or to one of the Sheriffs, or one of the Registrars of deeds, for the electoral district, or some portion of the electoral district for which the election is to take place, and he shall be the Returning Officer at the election.

(2) Not more than one writ of election shall be addressed to the same Returning Officer at one time. R. S. O. 1887, c. 9, s. 16.

In case no Sheriff or Registrar.

17.—(1) In case there is no Sheriff or Registrar to whom a writ of election for an Electoral District can be addressed, the writ shall be addressed to such other person as the Lieutenant-Governor may appoint to be Returning Officer.

Returning Officer, where office of Sheriff or Registrar is vacant.

(2) Where a Sheriff or Registrar has died or has been removed from or has resigned his office of Sheriff or Registrar, and his successor has not been appointed, the writ of election which might otherwise have been addressed to the Sheriff or Registrar, shall be addressed to such other person as the Lieutenant-Governor may appoint to be Returning Officer. R. S. O. 1887, c. 9, s. 17.

Refusal or incapacity to act.

18. In case the person to whom the writ should under the foregoing provisions be addressed, or to whom the writ has been addressed, should refuse to act, or should be absent, or should be incapacitated or unable from sickness or any other cause to act as Returning Officer, the Lieutenant-Governor may appoint some other person as Returning Officer. R. S. O. 1887, c. 9, s. 18.

Where writ directed to person whose appointment is subsequently superseded.

19. In case a writ has been issued to a person whose appointment is subsequently superseded, a new writ may be issued; or the new Returning Officer may act under the writ already issued, as if the same had been addressed to him; and if valid proceedings have been had under the first appointment, the validity of the proceedings shall not be affected by the new appointment; but the new Returning Officer may appoint a new Election Clerk and new Deputy Returning Officers, if he thinks

thinks fit, notwithstanding valid appointments to such offices had already been made by the person previously named as Returning Officer. R. S. O. 1887, c. 9, s. 19.

Persons excluded from being Returning Officers, etc.

20.—(1) None of the persons hereinafter designated in this section, shall, in any case, be appointed or act as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say:—

(*a*) Members of the Executive Council;

(*b*) Members of the Parliament of the Dominion of Canada or of the Legislative Assembly of this Province;

(*c*) Any Minister, Priest or Ecclesiastic, under any form or profession of religious faith or worship;

(*d*) A Judge of a Court having general jurisdiction throughout Ontario, or having local jurisdiction throughout any county or other territorial division;

(*e*) Persons who have served in the Legislature of this Province as members of the Legislative Assembly, in the Session next immediately preceding the election in question, or in the then present Session, if the election takes place during a Session of the Legislative Assembly.

Penalty.

(2) If any one of the persons above mentioned in this section is appointed to act and acts as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of $200. R. S. O. 1887, c. 9, s. 20.

Exempted persons.

21. None of the persons hereinafter mentioned in this section, unless they are Sheriffs or Registrars, or Town Clerks or Assessors, shall be obliged to act as Returning Officer or Deputy Returning Officer, or as Election Clerk or Poll Clerk, that is to say:

(*a*) Physicians and Surgeons;

(*b*) Millers;

(*c*) Postmasters;

(*d*) Persons being sixty years of age or upwards;

(*e*) Persons who have previously served as Returning Officers. R. S. O. 1887, c. 9, s. 21.

Penalty for refusal to act

22. Every Sheriff or Registrar, and every other person having the qualifications required by this Act for acting as Returning Officer, who refuses to perform the duty of Returning Officer at any election as aforesaid, after having received the writ of election, shall, for such refusal, incur a penalty of $200; unless such person, not being a Sheriff or Registrar, and having a right to claim the exemption granted by the next preceding section, has in fact claimed exemption by letter to the Clerk of the Crown in Chancery, forwarded within two days next after the receipt of the writ of election, setting forth the grounds of such exemption. R. S. O. 1887, c. 9, s. 22

GENERAL ELECTIONS.

Lieut-Governor to fix days of election and polling in case of a general election.

23. Whenever a new Legislative Assembly is called, and a general election is to be held for that purpose, the Lieutenant-Governor in Council shall fix the day for holding the elections, and shall also fix the day on which the polling shall take place, in cases where a poll is granted. R. S. O. 1887, c. 9, s. 23.

Time for holding elections and for polling.

24. The day so to be fixed as aforesaid for holding the elections shall not be more than twenty days nor less than sixteen days from the date of the writs of election; and the day for holding the polls shall not be more than eight, nor less than six days after the day for holding the elections. R. S. O. 1887, c. 9, s. 24.

All general elections on same day.

Polling on same day.

25. At every general election, the elections for all Electoral Districts throughout the Province shall take place and be held on one and the same day, and the polling at all elections where polls have been granted, shall also take place on one and the same day, except as provided for in section 36; and the respective days so fixed for holding the elections, and for opening and holding the polls, shall be stated and inserted in the proclamation calling the general election, and in the several writs of election in that behalf. R. S. O. 1887, c. 9, s. 25.

Date and return of writs for general election.

26. All the writs for a general election of Members of the Legislative Assembly shall be dated on the same day, and need not name a return day, but shall be returnable forthwith after the execution thereof. R. S. O. 1887, c. 9, s. 26.

Notices as to secrecy to be sent to returning officers before elections.

26*a*.—(1) Previously to any general or other election of members of the Legislative Assembly, the Clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, according to Form 13 in the Schedule to this Act, and shall transmit by post to the returning officer of every electoral division in which there is to be a contest, such number of copies as he may deem sufficient to supply every deputy returning officer with ten copies, one copy of which the deputy returning officer shall placard conspicuously outside the polling place, and one copy conspicuously within the polling place, and he shall see that they remain so placarded from the opening to the close of the poll.

(2) The said notice may be either separate from or added to the notice for the guidance of voters in voting, being Form 12 in the schedule hereto. 53 V. c. 3, s. 1.

PROCEEDINGS AT ELECTIONS.

ISSUE OF THE WRIT.

Writs to be addressed to Returning Officers.

27.—(1) Whenever a writ of election is issued for the election of a member to serve in the Legislative Assembly of this Province, the same shall be addressed and directed to the Sheriff or Registrar, who is *ex officio* the Returning Officer for the Electoral District, or to the person appointed by the Lieutenant-Governor, if such appointment is made according to the requirements of this Act.

Writs for Districts of Algoma, Muskoka and Parry Sound.

(2) The Lieutenant-Governor may cause the writs for the Electoral Districts of Algoma West, Algoma East, Muskoka Nipissing and Parry Sound, respectively, to be directed to the Sheriff or Registrar of Algoma, Thunder Bay or Rainy River, or to the Registrar of Muskoka, or of Parry Sound, or to such other Returning Officer as he thinks fit. R. S. O. 1887, c. 9, s. 27; 52 V. c. 2, s. 6.

Clerk of the Crown in chancery to supply poll books.

27*a*. Immediately after the issue of the writ of election in the next preceding section mentioned, the clerk of the Crown in Chancery shall supply the returning officer appointed for the electoral district for which the election is to be held with a sufficient number of blank poll-books for the purposes of such election, having regard to the number of polling sub-divisions within the said district, and the blank voters lists in such poll-books shall be in Form 6 in the schedule to this Act, and each of such poll-books shall shew the date of the polling day and shall contain the following blank forms:

1. Commission of deputy-returning officer.
2. Oath of deputy-returning officer.
3. Copy of certificate of clerk of municipality shewing time fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the County Judge under section 13 of *The Voters' Lists Act.* 52 V. c. 3.
4. Commission of poll clerk.
5. Oath of poll clerk.
6. Oath and affirmation of secrecy.
7. Schedule for names of persons voting under certificates.
8. Schedule for names of persons marking tendered ballot papers.
9. Schedule of voters whose ballot papers have been marked under section 101.
10. Schedule for "notes" of objections to ballot papers under section 106 (3).
11. Statement of the poll after counting the ballot papers.
12. Ballot Paper account.
13. Oath of deputy-returning officer after closing the poll.
14. Oath of poll clerk after closing the poll.
15. Copy of certificate of clerk of municipality as to dates of return and final revision of the assessment roll.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

Endorsement on writ.

28. Each Returning Officer shall, on receiving the writ of election, forthwith endorse thereon the date of its receipt. R. S. O. 1887, c. 9, s. 28.

Proclamation of Nomination Day.

Proclamation.

29.—(1) The Returning Officer shall, by a proclamation under his hand in the English language, in the words or to the effect of Form 1, in Schedule A, to this Act, declare the place, day and hour at which the election will be held, and shall cause the proclamation to be posted up in the manner hereinafter prescribed, with all reasonable speed after the receipt of the writ and at least eight days before the day fixed for holding the election, which day so fixed shall be called the Nomination Day.

Posting up of proclamation.

How the eight days' notice reckoned.

(2) Neither the day of nomination nor that of the posting up of the proclamation, shall be included in the eight days. R. S. O. 1887, c. 9, s. 29.

Place of election.

30.—(1) The place at which the election will be held shall be fixed by the Returning Officer, and shall be in the public place most central and most convenient for the great body of the electors in the Electoral District for which he is acting as Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon and two o'clock in the afternoon of the day so fixed for opening the election.

Hour.

Unforeseen delay in opening elections.

(2) In case the Returning Officer, from unforeseen delay, accident or otherwise, does not open the election until after the hour named, the election shall not, on that account, be invalid if it appears to the tribunal having cognizance of the question that the delay did not affect the result of the election. R. S. O. 1887, c. 9, s. 30.

Polling day.

31. In and by the proclamation aforesaid, the Returning Officer shall also declare the day on which, in case a poll be granted, as hereinafter provided, the poll shall be opened in conformity with this Act, in each City, Township, or Union of Townships, or Ward, or part of Township or Ward (as the case may be), for taking and recording the votes of the electors according to law. R. S. O. 1887, c. 9, s. 31.

Place of posting up proclamation in cities, etc.

32. If the election is for a City or Town, the Returning Officer shall cause the proclamation to be posted up at the City or Town Hall, and in some public place in each Ward of the City or Town. R. S. O. 1887, c. 9, s. 32.

In County or Riding.

33.—(1) If the election is for a County or Riding, the Returning Officer shall cause the proclamation to be posted up at the Town Hall or other public place where the meetings of the Municipal Council of each Township are held, at every post office in the Electoral District, and at least at one public place in every polling subdivision. R. S. O. 1887, c. 9, s. 33 (1)

(2)

(2) It shall not be necessary in the Electoral Districts of Algoma West, Algoma East, Muskoka, Nipissing and Parry Sound, to post up the proclamation for holding the election at every post office in the said Electoral Districts, but the proclamation shall be posted in some public place in the neighbourhood of each place at which a poll is required to be held in case a poll is granted. R. S. O. 1887, c. 9, s. 33 (2); 52 V. c. 2, s. 6. Places of posting up proclamation in districts of Algoma, etc.

34. A Returning Officer refusing or neglecting to cause such proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of $200. R. S. O. 1887 c. 9, s. 34. Penalty.

35. In the Electoral Districts of Algoma West, Algoma East, Muskoka, Nipissing and Parry Sound, the Returning Officer shall, at a special election, fix the day for the nomination of candidates for election as members of the Legislative Assembly; the nomination shall not take place less than fifteen nor more than thirty days after the proclamation was first posted up; and the day for holding the polls shall be the fourteenth day next after the day fixed for the nomination of candidates; that is to say, it shall be on the corresponding day of the week next but one after that on which the nomination has taken place; or if the fourteenth day be a statutory holiday, then on the following day, not being a statutory holiday. R. S. O. 1887, c. 9, s. 35. 52 V. c. 2, s. 6. Nomination and polling day in Algoma, Muskoka and Parry Sound at special elections.

36. The Returning Officer of each of the Districts mentioned in the next preceding section shall, in case of a general election, name as the nomination day the fourteenth day next preceding the day appointed as the polling day throughout the Province, so that the polling in the said Districts may be held at the same time as the polling in the rest of the Province; save and except that in the Electoral District of Algoma West, and the Electoral District of Algoma East, the nomination or polling is to be held at some time between the twentieth day of May and the thirtieth day of November. R. S. O. 1887, c. 9, s. 36. Nomination and polling day in Algoma, Muskoka and Parry Sound at a general election.

37. In cases where from unforeseen delays, accident or otherwise, the proclamation for holding an election for a member of the Legislative Assembly for any Electoral District could not be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Lieutenant-Governor, or by the Returning Officer, as the case may be, and in cases where from unforeseen delays, accidents, or otherwise, as aforesaid, the Returning Officer is unable to open the election within the prescribed hours on the day he fixed for that purpose, he may fix new days for the nomination of candidates and for the polling; and in such case the nomination shall be the nearest day practicable, not being a Sunday or statutory holiday, after allowing the Unforeseen delays provided for.

number

number of days required by law between the posting up of the proclamation and the nomination day; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. R. S. O. 1887, c. 9, s. 37.

Communication with Pelee Island and Amherst Island may be by telephone.

37*a*. Whenever an election of a member to the Legislative Assembly to represent any electoral district of which either Pelee Island or Amherst Island forms a part is to be held between the months of October and April, the Lieutenant-Governor in Council, if satisfied that communication and travel between said Pelee Island or Amherst Island and the main land is, during the holding of such election, likely to be dangerous or to be interrupted, may direct that all necessary instructions and information relating to such election may be transmitted by telephone by the returning officer to the deputy returning officer or officers, and by him or them to the returning officer, so that such returning officer may be informed of the number of votes given for each candidate and of all other matters relating to the election, and be enabled to return the candidate having the majority, or to make such other return as the case requires; and the Lieutenant-Governor-in-Council may make such order as to the details of the proceedings at or relating to such election, to be so transmitted to either said Pelee Island or Amherst Island, as the case may be, as to him seems proper for best attaining the purpose of this enactment. 52 V. c. 4, s. 1.

Polling Places.

Polling places in each polling subdivision.

38.—(1) The Returning Officer shall also, on receiving the writ of election, fix one polling place for each subdivision into which a city, town or other local municipality is subdivided, in the most central and convenient place for the electors of such subdivision: but the number of polling places now required by law in Cities and Towns shall in no case be diminished, and the polling places shall be at least one hundred yards distant from each other in Cities, Towns and Incorporated Villages, and at least one mile distant from each other in other local municipalities.

Additional polling places in discretion of Returning Officer.

(2) A Returning Officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary.

Polling place not to be a tavern.

(3) The building in which the poll is held shall not be a tavern or place of public entertainment; and there shall be free access to the poll for every elector.

Providing polling places in cities.

(4) In Cities, unless the Municipal Council provides suitable polling places at its own expense, the Returning Officers shall provide the same; and the expense thereof, not exceeding $8 for each polling place, shall be paid by the Treasurer of the City, upon the order of the Returning Officer. R. S. O. 1887, c. 9, s. 38.

39. Every polling place shall be furnished with compartments in which the voters can mark their votes screened from observation; and it shall be the duty of the Returning Officer and the Deputy Returning Officer respectively, to see that a sufficient number of compartments is provided at each polling place. R. S. O. 1887, c. 9, s. 39. Compartment wherein voters may mark ballots.

Ballot Boxes.

40.—(1) The Returning Officer shall also, on receiving the writ of election, procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are polling subdivisions within the Electoral District. Ballot boxes to be furnished.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked. How made.

(3) If the Returning Officer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of $100 in respect of every ballot box which he has failed to furnish in the manner prescribed. R. S. O. 1887, c. 9, s. 40. Penalty on failure to furnish boxes.

Oath of Returning Officer.

41. Every Returning Officer shall, before the day fixed for opening the election, take and subscribe before a Justice of the Peace for the County or District in which he resides, the oath Form 2 in Schedule A to this Act; and a Returning Officer who refuses or neglects to take and subscribe the oath, shall, for such refusal or neglect, incur a penalty of $40. R. S. O. 1887, c. 9, s. 41. Oath of Returning Officer. Penalty.

Election Clerks.

42. Every Returning Officer shall, before the nomination day, appoint, by a commission under his hand, in the words or to the effect of Form 3 in Schedule A to this Act, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer. R. S. O. 1887, c. 9, s. 42. Returning Officer to appoint an Election Clerk.

43. The Election Clerk shall before entering upon his duties take and subscribe, either before a Justice of the Peace for the County or District in which he resides or before the Returning Officer, the oath Form 4 in Schedule A to this Act. Election Clerk to be sworn.

43*a*. The oaths and commission mentioned in the three preceding sections may be either printed or written or partly printed and partly written on the back of the writ of election. Oaths to be printed or written on back of writ.

44.

Penalty for refusing to act

44. A person so appointed as Election Clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of $40. R. S. O. 1887, c. 9, s. 44.

Provision in case of death, etc., of Election Clerk.

45. The Returning Officer may, either before or after the nomination day, appoint, in the manner above mentioned, another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness or absence of the Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and the new Election Clerk so appointed shall perform all the duties and comply with all the obligations of his office, under the same penalty, in case of refusal or neglect on his part, as is hereinbefore imposed in like cases, and the appointment and oath of an election clerk appointed under this section shall be either endorsed on or attached to the writ of election and shall be in accordance with the provisions of sections 42 and 43 of this Act. R. S. O. 1887, c. 9, s. 45.

Provision in case of death etc., of Returning Officer.

46. Whenever a Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence or otherwise, the Election Clerk so by him appointed as aforesaid, unless another returning officer is duly appointed under section 18, shall, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed in like cases on the Returning Officer act as, and shall be Returning Officer for the election, and shall perform all the duties and be subject to all the obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new oath for that purpose. R. S. O. 1887, c. 9, s. 46.

PROCEEDINGS ON THE NOMINATION DAY.

Proceedings of the Returning Officer on the day of nomination.

47. Every Returning Officer shall, at the time and place fixed as aforesaid for opening the election, proceed to the hustings (which shall be held at such a place that all the electors may have free access thereto), and shall make or cause to be made, in the English language, in the presence of the electors there assembled, a proclamation in the words or to the effect of Form 5 in Schedule A to this Act, and shall then and there read, or cause to be read publicly, in the English language, the writ of election, and his commission as Returning Officer when he has been appointed Returning Officer by special commission and shall then require the electors there present to name the person or persons whom they wish to choose at the election to represent them in the Legislative Assembly, in obedience to the writ of election. R. S. O. 1887, c. 9, s. 47.

No show of hands to be taken.

48. No show of hands shall be taken on the nomination day, but if at the nomination more than one candidate is proposed the

the Returning Officer shall grant a poll for taking and recording the votes of the electors, and should he refuse or neglect to grant such poll he shall incur a penalty of $1,000 and the election shall be *ipso facto* null. R. S. O. 1887, c. 9, s. 48.

[*Section 49 repealed.*]

If only one candidate proposed within one hour, he to be declared elected.

50. If only one candidate is nominated, or the electors there and then present agree in the choice so to be made of the person to represent them, the Returning Officer shall, at the expiration of one hour from the nomination of the candidate, and not before, close the election, and shall then and there openly proclaim the person so chosen to be duly elected. R. S. O. 1887, c. 9, s. 50.

Returning Officer to publish names and addresses of agents.

51. The Returning Officer shall announce from the hustings on the day of nomination, and at the expense of the candidate shall publish on or before the day of nomination, the name and address or the names and addresses of the agent or agents appointed in pursuance of section 189 of this Act; the publication shall be in some newspaper, if such there be, published or circulated within the Electoral District for which the election is to take place. R. S. O. 1887, c. 9, s. 51.

WITHDRAWAL OF CANDIDATES.

Withdrawal of candidate after nomination.

52. Any candidate nominated may withdraw at any time after his nomination and before the opening of the poll, by filing with the Returning Officer a declaration in writing to that effect, signed by himself, and any votes cast for the candidate who shall have so withdrawn shall be null and void; and in case after the withdrawal there should remain but one candidate, then it shall be the duty of the Returning Officer to return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll, if his withdrawal be filed on the polling day. R. S. O. 1887, c. 9, s 52.

Death of candidate.

53. In case a candidate dies after being nominated and before the close of the poll, the Returning Officer may fix new days for the nomination of candidates, and for the election, and in such case the nomination day shall be the nearest day possible not being a Sunday or statutory holiday, after allowing the number of days required by law between the posting up of the proclamation and the nomination day; and in every such case the Returning Officer shall with his return make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. R. S. O. 1887, c. 9, s. 53.

PROCEEDINGS

PROCEEDINGS WHEN A POLL IS GRANTED.

Day of opening poll and time and place of summing up votes to be proclaimed.

54.—(1) When at an election a poll has been granted, the Returning Officer, immediately after having granted a poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first proclamation, and the places at which the poll shall be so opened in every polling subdivision or ward (as the case may be), for the purpose of then and there taking and recording the votes of the electors according to law, and the place where and the time when the Returning Officer shall sum up the number of votes given to the several candidates.

Poll not to be held on Sundays or certain holidays.

(2) The day to be fixed for opening the poll as aforesaid shall not be a Sunday, New Year's Day, Good Friday, Christmas Day, the first day of July, or the birthday of the Sovereign; and the poll shall be opened and held on that day only, so that there be but one and the same day's polling at any special or general election. R. S. O. 1887, c. 9, s. 54.

Copy of voters' list to be furnished for each polling place

55. Whenever polling subdivisions have been established by the Municipal Council, or have been provided for by the Returning Officer, a poll shall be opened and held in every subdivision, for taking the votes of the electors therein, and a poll book containing the names of all persons entitled to vote in the subdivision, according to the Form 6, given in Schedule A to this Act shall be furnished for every polling place appointed therefor. R. S. O. 1887, c. 9, s. 55.

Polling places in district of Algoma.

56.—(1) In the Electoral Districts of Algoma West and Algoma East, a poll shall be opened and held at each of the places hereinafter mentioned, namely, in municipalities:—

Hilton.
Tenby Bay.
Sault St. Marie.
Manitowaning Village.
Blue Jay River.
Mindemoya Lake.
Little Current.
Providence Bay.
Gore Bay.
Barrie Island.
North Ward, Port Arthur.
Fort William.
Oliver Township.
Cockburn Island.
Sandfield Township.
Richard's Landing.
Mountain School.
Korah.
Sandfield Mills.
Mudge Bay.
Shequeandah.
Michaels Bay.
Burpee.
Green Bay.
South Ward, Port Arthur.
Murillo.
Rat Portage.
Big Lake.

And in unorganized territory, at the following places:—

Killarney.
Spanish River.
Day Mills.
Desert Lake.
Kewatin Mills.
Rainy River.
Orchards, McDonald Township.
Goulais Bay.
Coffin Additional.
Robinson.
Nepigon.
Collins Inlet.
Algoma Mills.
Serpent River.
Bruce Mines.
Mississagua River.
Thessalon River.
Dunn's Valley.
Tarbott, near Port Finlay.
Fort Francis.
Vermillion Bay.
Garden River.
Mamainse Mines.
Silver Islet.
West Bay.
Lot 4 in the third concession of the township o Plummer.

Walford

Walford Station.
Deer Lake, Township of Wells.
Massey Station.
Webbwood Station.
Whitefish Station.
NcNaughton Station.
Chelmsford Station.
Cartier Station.
Chapleau Station.
Missanobee Station.
Biscotasing Station.
Lot 2 in the second concession of the township of Coffin.
Lot 2 in the eighth concession of the township of Galbraith.
Lyons' school house in concession G., St. Joseph's Island.
Irwin's school house, St. Joseph's Island.
Jocelyn school house, St. Joseph's Island.
Kaskawan school house, St. Joseph's Island.

(2) The Lieutenant-Governor in Council may from time to time add other polling places to those named.

(3) The Returning Officer shall establish as many polling places at the places before mentioned as he may consider requisite, and may appoint other places in addition to those named in this section.

(4) There shall be at least one polling place in every municipality for which there is an assessment roll. R. S. O. 1887, c. 9, s. 56; 53 V. c. 4, s. 1.

Polling places in Nipissing.

56*a*. Polls shall be opened and held at an election in the electoral district of Nipissing in each of the organized municipalities in accordance with the provisions of this Act; and in such municipalities one of such polls shall be opened at or near the place where the last municipal election was held, and in the unorganized territory at such places as the Lieutenant-Governor in Council may from time to time direct. 52 V. c. 2, s. 9.

Hours of voting. Ballot.

57.—(1) On the day of polling the voting shall commence at nine o'clock in the forenoon, and shall finish at five in the afternoon of the same day, and the votes shall be given by ballot.

(2) A voter entitled to vote within a City or Town shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service or employment in which he is then engaged or employed, from the hour of noon in the daytime until the hour of two of the clock next thereafter, and a voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled: provided, that if so required by the person in whose service or employment the voter is so engaged or employed, the voter so absenting himself shall, at some other time during the same or the following week employ himself in and about such service or employment for one hour more than the hours of the usual and ordinary day's work or service otherwise required to be performed by him: provided, moreover, that this sub-section shall not apply where a voter is by his employer or master permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote. R. S. O. 1887, c. 9, s. 57.

PROCEEDINGS PRELIMINARY TO THE POLL.

Deputy Returning Officers.

Appointment of Deputy Returning Officers.

58. For the purpose of taking the votes at an election, the Returning Officer shall, by a commission under his hand, in the words or to the effect of Form 7 in Schedule A to this Act, and being Form 1 in the poll book appoint some suitable person to be Deputy Returning Officer for every polling subdivision in which a polling place is to be opened and kept, and shall thereby require the Deputy Returning Officer to open and hold the poll according to law, at the time and place fixed as hereinbefore provided, and at the poll to take and record in the voters' list in the poll book the particulars relating to electors voting at the polling place, which by this Act he is directed to take and record. R. S. O. 1887, c. 9, s. 58.

Oath of office, etc

59. Every Deputy Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the oath Form 8 in Schedule A to this Act, being Form 2 in the poll book. R. S. O. 1887, c. 9, s. 59.

Penalty for refusing to perform duties of office.

60. A person so appointed a Deputy Returning Officer who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath or to perform the duties of a Deputy Returning Officer, shall, for his neglect or refusal, incur a penalty of $100. R. S. O. 1887, c. 9, s. 60.

Township Clerk to be a Deputy Returning Officer.

61. In townships divided into polling subdivisions under this Act, the Township Clerk shall be appointed by the Returning Officer to be Deputy Returning Officer for the subdivision in which the Town Hall is situate, if there be a Town Hall in the Township, but if there be no Town Hall, then for the subdivision in which the first meeeting of the Council of the Municipality for that year was held; and in case of the absence, sickness or death of the Township Clerk, the Township Assessor or Collector shall be appointed Deputy Returning Officer. R. S. O. 1887, c. 9, s. 61.

Provision in case of death, etc., of Deputy Returning Officer.

62. The Returning Officer may appoint, in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require the appointment, either by reason of the death, illness or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise: and the new Deputy Returning Officer so appointed shall perform all the duties and be subject to all the obligations of the office under the same penalties, in case of refusal or neglect on his part, as are herein before imposed in like cases, and the appointment and oath of the person so appointed shall be simi-

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lar in form to those provided for by sections 58 and 59 of this Act, and the same shall be endorsed upon or attached to the poll book. R. S. O. 1887, c. 9, s. 62.

Ballot Papers.

Ballot papers to be printed

63.—(1) Where a poll has been granted, the Returning Officer shall forthwith cause to be printed such a number of ballot papers as will be sufficient for the purposes of the election; and the number necessary for each polling subdivision shall be bound or stitched in a book of convenient size, and in such manner that the counterfoils shall continue bound or stitched when the ballot papers are detached therefrom.

Contents and form.

(2) Every ballot paper shall contain the names of the candidates, arranged alphabetically in the order of their surnames, or if there be two or more candidates with the same surname, of their other names, and the ballot papers may be according to the Form 11 given in Schedule A to this Act.

Number and names of candidates to be printed in different colours.

(3) The number and names of every candidate shall, if practicable, be distinctly printed in ink of different colours, if on the nomination day the candidates agree as to the colours; and the Returning Officer shall give to every candidate a certificate setting forth the selection of the colour made by him.

Counterfoil.

(4) Every ballot paper shall have a counterfoil attached thereto; every ballot paper and counterfoil shall specify the name of the Electoral District for which it is to be used and every ballot paper shall have a number printed on the back thereof, and the same number shall be printed on the face of the counterfoil attached thereto, but the same number shall not be printed on more than one ballot paper to be used for the Electoral District. R. S. O. 1887, c. 9, s. 63.

Tendered ballot papers.

64.—(1) In addition to the ballot papers hereinbefore referred to, the Returning Officer shall cause to be printed such a number of other ballot papers (hereinafter called "tendered ballot papers,") to be used in the manner hereinafter directed, as will be sufficient for the purposes of the election.

Contents and form.

(2) The tendered ballot papers shall be in the same form as the ballot papers hereinbefore referred to, but shall be of a colour differing from the same; and upon the back of the tendered ballot papers, and upon the face of the counterfoils attached thereto, shall be printed the words "Tendered Ballot Paper."

To be numbered, etc.

(3) The tendered ballot papers and the counterfoils attached thereto shall be numbered in a manner similar to that in which the other ballot papers and counterfoils are hereinbefore directed to be numbered, and shall be bound or stitched in like manner. R. S. O. 1887, c. 9, s. 64.

Returning Officer to furnish Deputies with ballot books, etc.

65. The Returning Officer shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer, the books containing the ballot papers and tendered ballot papers, with their respective counterfoils attached, which have been prepared for use in the polling subdivision for which the Deputy Returning Officer is appointed to act: and shall also furnish to the Deputy Returning Officer, or see that he is furnished with the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the Deputy Returning Officer, for the convenient use of voters, and the deputy-returning officer shall forthwith enter in Form 12 in the poll book and being Form 19 in the schedule hereto the number of ballot papers received by him from the returning officer opposite the words, 'ordinary ballot papers' and 'tendered ballot papers.' R.S.O. 1887, c. 9, s. 65.

Ballot Boxes.

Delivery of ballot boxes to Deputy Returning Officers.

66. When it becomes necessary, for the purposes of an election, to use the ballot boxes, it shall be the duty of the Returning Officer, two days, at least, before the polling day, to deliver one of the ballot boxes to every Deputy Returning Officer appointed for the purposes of the election. R. S. O. 1887, c. 9, s. 66.

Deputy Returning Officer to procure ballot boxes.

67. It shall be the duty of the Deputy Returning Officer, in every polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made. R. S. O. 1887, c. 9, s. 67.

Directions to Voters.

Returning Officer to furnish Deputies with directions to voters.

68. The Returning Officer shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer such a number of printed directions for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be delivered, at least ten copies of the printed directions; such directions shall be printed in conspicuous characters, and may be according to Form 12 in Schedule A to this Act. R. S. O. 1887, c. 9, s. 68.

Deputies to placard the directions.

69. Every Deputy Returning Officer shall, before the opening of the poll, or immediately after he has received such printed directions from the Returning Officer, if he did not receive the same before the opening of the poll, cause the printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R. S. O. 1887, c. 9, s. 69.

Certificates

Certificates as to Assessment Roll.

70.—(1) The Returning Officer shall, before the opening of the poll, obtain from the Clerk of the Municipality, the certificates hereinafter mentioned that is to say : Returning Officer to furnish Deputy Returning Officer with certificate of certain dates.

(*a*) A certificate shewing the day fixed for the assessor to begin to make the assessment roll on which the voters' list proper to be used for the purposes of the election is based, and shewing also the last day on which a complaint could be made to the County Judge under section 13 of *The Voters' Lists Act* in respect of any error or omission in the said voter's list, and such certificate shall be in the Form 9 in the schedule hereto ; 52 V., c. 3.

(*b*) A certificate shewing the day when the assessment roll, upon which the said voters' list is based, was returned by the assessor, and also the day upon which the same was finally revised and corrected, and such certificate shall be in the Form 10 in the schedule hereto.

The returning officer shall immediately enter copies of the said certificates in the proper poll books in Forms 3 and 15, and shall certify thereunder that the same are true copies of the original certificates received by him from the said clerk.

(2) The Clerk shall give the said certificates upon being required so to do by the Returning Officer or any other person who applies for the same, and shall be subject to a penalty of $200 in case of neglect or refusal. Clerk to give certificate.

(3) For every such certificate the Clerk shall be entitled to receive the sum of twenty-five cents. Fee.

(4) The copy of the said certificates in the poll book shall be the evidence upon which the Deputy-returning officer shall act in inserting in the oath to be administered to voters the date of the return, or final revision, of the assessment roll, and the date for beginning to make the assessment roll or the last day for making complaints as aforesaid, as the case may be. R. S. O. 1887, c. 9, s. 70. Certificate to be evidence of dates.

Lists of Voters.

71. Subject to the provisions in the next succeeding six sections contained, the first and third parts of the last list of voters certified by the Judge, and delivered or transmitted to the Clerk of the Peace, under *The Voters' Lists Act*, before the date of the writ of election, shall be the proper list to be used for the purposes of an election to the Legislative Assembly. R. S. O. 1887, c. 9, s. 71. What voters' list to be used. 52 V. c. 3.

72. Subject to the provisions of section 103 of this Act, no person shall be admitted to vote unless his name appears on the list in the poll-book; and no question of qualification shall be raised at an election, except to ascertain whether the per- Only the persons named in the proper lists to vote.

son

son tendering his vote is the same person intended to be designated in the said list; and other questions of qualification shall be raised and decided on election petition only. R. S. O. 1887, c. 9, s. 72.

Where time for appealing from by-law making polling subdivisions has expired, and no voters' lists filed.

73. In case a Municipal Council has by by-law divided the Municipality into polling subdivisions, and the time for appealing from the by-law has expired, and no lists of voters for the subdivisions have been filed with the Clerk of the Peace, as required by *The Voters' Lists Act*, but a list of the voters of the Municipality or of the several wards therein has been duly certified by the Judge, the said list shall be the proper list of voters for the election; and the Returning Officer shall cause the names on the voters' list to be entered in the proper poll book or books for the Deputy Returning Officers, having regard to the polling subdivisions provided for by the by-law. R. S. O. 1887, c. 9, s. 73.

Where new territory, added to city town or village and no voters' list includes such new territory.

74. Where any territory is added for municipal purposes to a City, Town or Village belonging to, or constituting an Electoral District other than that to which such territory previously belonged, or when a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or in case a Village is formed including territory which belonged to an Electoral District other than that to which the Village belongs, and an election takes place previous to the voters' lists including the names of persons entitled to vote in such territory, being made out for the City, Town or Village, or before the lists are certified by the County Judge, then all persons who would have been qualified as electors if such territory remained separate from the City, Town or Village, and if the election had been for the Electoral District to which such territory formerly belonged, shall be entitled to vote in the City, Town or Village. R. S. O. 1887, c. 9, s. 74.

Duty of Returning Officer in cases of added territory as to voters' lists.

75. In all such cases the clerks of the peace under the direction of the Returning Officer shall extract from the proper voters' lists of the Municipality or Municipalities to which such territory formerly belonged, containing the names of voters entitled to vote in respect of such territory, the names of the several voters in the lists entitled to vote in such territory, and shall place the names in the proper poll book or books for the purpose of enabling the persons named in such lists to vote at the election in the city, town or village (as the case may be. R. S. O. 1887, c. 9, s. 75.

Duty where voters' list embraces portions of Electoral Districts.

76. Where a voters' list embraces territory comprising portions of two or more Electoral Districts every clerk of the peace under the direction of the returning officer shall enter the names of the voters in such territory in the proper poll book or books. R. S. O. 1887, c. 9, s. 76.

77.—(1) In any Municipality in the Electoral Districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka, Nipissing and Parry Sound, where there is an assessment roll, but for which no voters' lists containing the names of the voters in the municipality have been filed with the Clerk of the Peace, or certified by the County Judge, the Returning Officer shall, upon receipt of the writ, deliver to the clerk of the municipality a blank poll book, or if the municipality is divided into polling sub-divisions a blank poll book for each such sub-division, and the said clerk of the municipality shall forthwith from the assessment roll in his custody enter in the said poll book or books in alphabetical order, the names of all persons entitled to vote in such municipality or sub-division (as the case may be) and shall within four days return the said poll book or books to the returning officer completed, having first certified to the correctness thereof before a justice of the peace.

Municipalities in Algoma, etc, where there is an assessment roll but no voters' list filed or certified.

Polling-book in Algoma, etc.

(2) Every list of voters entered in such poll book so prepared (or a similar list otherwise procured by the Returning Officer, at the expense of the clerk, in case of the failure of the clerk to furnish the same within a reasonable time), shall be the voters' list to be used at the election for the Municipality or polling subdivision.

(3) In every Municipality in the districts in which there is an assessment roll, it shall be necessary that the name of the elector shall appear upon the list of voters in the poll book prepared under this section, or under *The Voters' Lists Act;* and in such case the same provisions as to qualification of voters and other matters shall apply as in other electoral districts, and the oath or affirmation to be required of voters shall be the same R. S. O. 1887, c. 9, s. 77. (1-3). 52 V. c. 2, s. 6.

52 V. c. 3.

78.—(1) Every Returning Officer, upon granting a poll at an election, shall forthwith deliver to the clerk of the peace as many blank poll books as there are polling sub-divisions in the electoral district, and the said clerk of the peace shall without delay enter or cause to be entered in the poll book for each sub-division from the proper list of voters the name of every person appearing therefrom to be entitled to vote within the sub-division for which the said poll book is required, and the said clerk of the peace shall add to each poll book a certificate to the effect that the said poll book contains a true copy of the proper list of voters for the said polling sub-division; and the said poll books completed as aforesaid shall be re-delivered to the returning officer within four days from the date of their receipt by such clerk of the peace in blank, and the returning officer shall immediately cause the said poll books to be delivered to the deputy returning officers appointed to hold the polls throughout the electoral district.

Clerk of the peace to enter voters' list in poll book.

(2)

(2) The clerk of the municipality who has the custody of a voters' list shall if required by the returning officer discharge the duties by this section assigned to the clerk of the peace.

Deputies to prefix numbers to names on voters' lists.

79. The Deputy Returning Officer shall, upon receiving the poll books containing the voters' list for the polling subdivision for which he is to act, prefix a number to every name in such list, and the numbers so prefixed need not be consecutive numbers, but may be chosen arbitrarily by the Deputy Returning Officer: but the same number shall not be prefixed to more than one name; and the Deputy Returning Officer shall take all necessary precautions for concealing and shall conceal from all persons (except the Poll Clerk) the numbers so prefixed by him to the names in such list. R. S. O. 1887, c. 9, s. 79.

Poll Clerks.

Appointment of Poll Clerks

80.—(1) Every Deputy Returning Officer shall, by a commission under his hand and according to Form 14 in Schedule A to this Act, and being Form 4 in the poll book appoint a Poll Clerk to assist him in taking the poll according to law; and every Poll Clerk appointed as aforesaid shall, before acting, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, or Deputy Returning Officer, the oath Form 15 in Schedule A to this Act, being Form 5 in poll book.

Penalty.

(2) Every person so appointed a Poll Clerk who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, shall, for such neglect or refusal, incur a penalty of $40. R. S. O. 1887, c. 9, s. 80.

Poll Clerk to aid Deputy Returning Officer.

81. Every Poll Clerk shall, at the polling place for which he is appointed, aid and assist in the performance of the duties of his office the Deputy Returning Officer appointed to open and keep the poll in conformity with this Act, and shall obey the orders of the Deputy Returning Officer. R. S. O. 1887, c. 9, s. 81.

To act for Deputy Returning Officer in certain cases.

82. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence or otherwise, and if no other Deputy Returning Officer duly appointed by the Returning Officer in the place of the former, appears at the polling place, then the Poll Clerk shall, under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer, act at the poll as Deputy Returning Officer, and perform all the duties and be subject to all the obligations of that office, in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take a new oath for that purpose. R. S. O. 1887, c. 9, s. 82.

83. Where any Poll Clerk, in the case hereinbefore provided, acts as Deputy Returning Officer, he may appoint by a commission under his hand, according to Form 14 in Schedule A to this Act, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed shall have the same duties and be subject to the same obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself, and such commission and oath shall be endorsed on or attached to the poll book. R. S. O. 1887, c. 9, s. 83.

In which case he may appoint another Poll Clerk.

84. Where a Poll Clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty, or becomes unable to perform it, either by death, illness absence or other cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint by a commission under his hand, according to Form 14 in Schedule A, another person as Poll Clerk at the polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act, and such commission and oath shall be endorsed on or attached to the poll book. R. S. O. 1887, c. 9, s. 84.

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

WHERE VOTERS TO VOTE.

85. In case the name of a person entitled to vote is entered on the list of voters for more than one polling subdivision in an Electoral District, such person shall only vote at the polling place for the sub-division in which he resides, if entitled to vote in such sub-division under a penalty of $200. But this provision shall not affect his right to vote in another polling sub-division under a certificate properly granted under section 87 of this Act. R. S. O. 1887, c. 9, s. 85.

Penalty for voting at more than one polling place.

86.—(1) Where, in a surveyed township, there is no voters list but there is a polling place, every voter in respect of property in the township shall vote at the polling place or one of the polling places in the township, and not elsewhere.

Where voters are to vote in townships not having any voters' list.

(2) Where, in a surveyed township, there is no voters' list and no polling place, every voter in respect of property in the township shall vote at the polling place nearest to the property in respect of which he votes, and not elsewhere.

(3) In the case of territory not surveyed into townships every voter in respect of property in the unsurveyed territory shall vote at the polling place nearest to the property in respect of which he votes, and not elsewhere.

(4) In the cases provided for in the last two sub-sections, if it is doubtful which of two polling places is the nearer to the voters' property he may vote at either of the polling places.

(5)

(5) In case through accident or mistake a vote was not given at the nearest polling place, the same shall not on that account be void. R. S. O. 1887, c. 9, s. 86.

Deputy Returning Officers and agents may vote at polling places where they are employed,

87.—(1) The Returning Officer, on the request of any elector entitled to vote who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named the agent of any of the candidates at a polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the election at the polling place where he is stationed during the polling day.

on production of certificate of Returning Officer.

(2) On the production of the certificate the elector shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the polling subdivision where he would otherwise have been entitled to vote; but no such certificate shall entitle an elector to vote at such polling place unless he has been actually engaged as Deputy Returning Officer, Poll Clerk, or agent during the day of polling, or shall entitle an agent to vote who is disqualified under section 5 of this Act.

Application of sub-ss. 1 and 2 limited.

(3) The preceding two sub-sections shall not apply to a municipality or territory for which there are no voters' lists or supplementary voters' lists, and no such certificate shall be issued to a person in respect of a claim to be a voter in any such municipality or territory.

Certificates to agents of candidates.

(4) No Returning Officer shall, under a penalty of $400, give to more than two agents of the same candidate at one polling place, a certificate under this section; and every such certificate shall name the polling place at which the agent is to be permitted to vote and the candidate for whom he is agent; nor shall a Returning Officer issue a certificate under this section except upon the personal or written request of the elector; and no such certificate shall be signed by the Returning Officer until the name, residence and occupation of the person to whom it is to be granted have been inserted therein.

Person receiving a certificate to take oath of qualification before voting.

(5) No person who receives a certificate under this section whether as Deputy Returning Officer, Poll Clerk or agent, shall thereafter either at the polling place named in the certificate, or at any other polling place, vote at the election, until he has taken at the polling place where he proposes to vote, one or other of the oaths of qualification prescribed to be taken by voters, and any person violating the provisions of this sub-section shall be subject to a penalty of $400; and every vote cast in contravention of this sub-section shall be null and void.

Before whom oath to be taken.

(6) The oath of the Deputy Returning Officer shall be taken before the Poll Clerk, and the oath of a Poll Clerk or agent shall be taken before the Deputy Returning Officer, as in the case of other voters.

(7)

(7) Every Returning Officer shall, before delivering the certificate, enter in a list (to be kept by him for a year after the election), the name and qualification of every person to whom he gives a certificate under this section, the polling place at which such person is, under the certificate, authorized to vote, and stating whether the certificate is granted to him as Deputy Returning Officer, Poll Clerk or agent; and if as agent, the name of the candidate for whom he is agent; the Returning Officer shall also in the list enter the name of every person applying for a certificate to whom it is refused, with the ground of refusal, and if the last mentioned person claimed to be the agent of a candidate, the name of the candidate. Returning officer to make a list of persons obtaining certificates.

(8) The Deputy Returning Officer shall enter, or cause to be entered, in the proper schedule in the poll book, Form 7, the name, place of residence and occupation of every person (including himself if he so votes) voting under the authority of a certificate given under this section. The Deputy Returning Officer shall also shew in said schedule what form of oath was administered to such person in the following manner, namely, by entering in the said schedule opposite the name of such person, "Sworn, Form 16," or otherwise as the case may require. Entry on list of persons voting under authority of a certificate.

(9) Every person proposing to vote by virtue of a certificate aforesaid, shall with his ballot paper deliver up to the Deputy Returning Officer the certificate, and the Deputy Returning Officer shall, at the close of the poll, enclose all the certificates received by him, in package (*h*) mentioned in section 110 of this Act. R. S. O. 1887, c. 9, s. 87. Certificate to be delivered to deputy returning officer by person voting.

88. In case of a Deputy Returning Officer voting at the polling place where he has been appointed to be Deputy Returning Officer, the Poll Clerk appointed to act at the polling place, or in the absence of the Poll Clerk any agent of a candidate authorized to be present, may administer to the Deputy Returning Officer the oath required by law to be taken by voters. R. S. O. 1887, c. 9, s. 88. Administration of oath to deputy returning officer voting at his polling place.

THE POLL.

89. The Deputy Returning Officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty; and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in the view of himself and of the persons entitled to be in the polling booth and who are there for the receipt of ballot papers, and shall keep it so locked and sealed. R. S. O. 1887, c. 9, s. 89. Deputy to shew box empty and lock and seal it.

90. When a person claiming to be entitled to vote presents himself for the purpose of voting, the Deputy Returning Officer shall proceed as follows:— Conduct of Deputy on tender of vote.

Name. 1. He shall ascertain that the name of such person is entered or purports to be entered, upon the voters' list in the poll book for the polling subdivision for which the Deputy Returning Officer is appointed to act.

Recording. 2. He shall enter or cause to be entered in the proper column of the voters' list in the poll book, the initials of the person offering to vote.

Oath. 3. If such person takes the oath or affirmation required to be taken by voters in the manner directed by this Act, the Deputy Returning Officer shall enter, or cause to be entered, opposite such person's name, in the proper column of the voters' list in the poll book, the word "Sworn," or "Affirmed," according to the fact.

Objection. 4. Where the vote is objected to by a candidate or his agent, the Deputy Returning Officer shall enter the objection, or cause the same to be entered, in the voters' list, in the poll book by writing opposite the name of such person, in the proper column, the words "Objected to," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "Objected to," the name only of such candidate.

Refusal to take the oath. 5. Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the Deputy Returning Officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list in the poll book, the words "Refused to be sworn," or "Refused to affirm," according to the fact.

Voter refusing to be sworn. 6. No person who has refused to take the oath or affirmation of qualification required by law, when requested so to do, shall receive a ballot paper or be admitted to vote; and the vote of such person if taken and received shall be null and void; and the Deputy Returning Officer, for having taken and received such vote or caused the same to be taken and received, shall incur a penalty of $200.

Deputy to sign his name on ballot paper and counterfoil. 7. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the poll book in the manner prescribed, the Deputy Returning Officer shall stamp or sign his name or initials upon the back of the ballot paper and upon the counterfoil; and he shall not put upon the said ballot paper any figure or mark, other than his name or initials.

Delivery of paper to voter. 8. The ballot paper shall be detached from the counterfoil and delivered to such person.

Counterfoil, to be retained. 9. The counterfoil shall be retained in the book by the Deputy Returning Officer, who shall write or otherwise mark upon the counterfoil the number prefixed to the name of such person upon the voters' list in the poll book; and opposite the name of such person in the voters' list in such poll book a

mark

mark shall be placed to denote that he has received a ballot paper, but not shewing the particular ballot paper which he has received. R. S. O. 1887, c. 9, s. 90.

Persons on voters' list to be allowed to vote, on taking oath if required.

91.—(1) The Deputy Returning Officer shall receive the vote of every person whose name he finds in the proper list of voters in the poll book furnished to him, provided that such person, if required by a candidate, or the agent of a candidate, or by the Deputy Returning Officer himself, takes the oath or affirmation hereinafter mentioned, which the Deputy Returning Officer is hereby empowered to administer.

(*a*) If the voter is a person who is entitled to vote without a property qualification the oath to be taken shall be in accordance with Form 16 in the Schedule hereto.

(*b*) Where the voter is an unenfranchised Indian whose name appears on a voters' list or poll book, he shall take the oath Form 17 in said Schedule.

Voter may select form of oath in certain cases.

(2) The expression "proper list of voters" in this section shall mean the list of voters to be used at an election to the Legislative Assembly within the meaning of section 71 and the next succeeding six sections of this Act; and no person entitled to vote under the provisions of *The Manhood Suffrage Act* shall be debarred from voting at any election under this Act because there is not entered after or opposite his name in the proper column of the voters' list in the poll book either the letters "M.F," or any other letters, description, matter, or particular required, or directed to be entered after or opposite his name in any such column either by this Act *The Manhood Suffrage Act*, or any other Act whatsoever. 52 V. c. 5, s. 1 (2). 53 V. c. 2, s. 1.

(3) Except as in this Act otherwise specially provided, no other oath or affirmation shall be required of a person whose name is entered on any such list of voters as aforesaid. R. S. O. 1887, c. 9, s. 91 (3).

Declaration to be made by electors in municipalities in Algoma and other electoral districts where there is no assessment roll.

92.—(1) In such of the municipalities, townships, and places in the electoral districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka, Nipissing and Parry Sound as have no assessment roll or voters' list, the person claiming to be entitled to vote shall declare his name, place of residence and occupation or calling, and also the property in respect of which he claims to be entitled to vote; and whether he so claims as owner of such property, or as a householder; and the Deputy Returning Officer shall cause the said particulars to be entered upon a list and the list shall be dealt with in the same manner as the poll book is directed to be dealt with by sections 110 and 111 of this Act. R. S. O. 1887, c. 9, s. 92 (1); 52 V. c. 2, s. 6.

Deputy Returning Officer to enter particulars of declaration.

(2)

(2) In any such place, every person who offers to vote at a polling place shall, if required by a candidate, or the agent of a candidate, or by the Deputy Returning Officer, take in lieu of the oath prescribed by section 91 of this Act, an oath or affirmation according to one of the Forms 20 or 21 in Schedule A to this Act; and the Deputy Returning Officer is hereby empowered to administer the oath.

Ballot paper not to be delivered until particulars declared and entered.

(3) The Deputy Returning Officer shall not deliver a ballot paper to a person claiming to vote, until after such person has declared the several particulars above mentioned, nor until after these have been entered in the list, nor until after the prescribed oath has been taken if required. R. S. O. 1887, c. 9, s. 92 (2-3).

When Deputy Returning Officer to refuse vote.

93.—(1) Where there is no voters' list, the Deputy Returning Officer shall not receive or enter the vote of any person who, to the knowledge of the Deputy Returning Officer, is not entitled to vote.

(2) Any person whose vote is rejected and who takes the prescribed oaths shall be entitled to mark a tendered ballot paper; and the same shall be dealt with as provided for tendered ballot papers in other cases under section 103 of this Act. R. S. O. 1887, c. 9, s. 93.

Deputy Returning Officer must swear voters in certain cases.

94. Whenever a Deputy Returning Officer has reason to know or believe that fraud or violence is being practised in violation of the rights of electors, by which undue votes are tendered, or that a voter is not qualified, or has already voted at the election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the list of voters, in the poll book the Deputy Returning Officer, under a penalty of $200, shall administer the oath authorized by law to the voter, whether he be required to do so or not by any party; and mention thereof shall be made in the list of voters as aforesaid. R. S. O. 1887, c. 9, s. 94.

Penalty.

Deputy to conceal number on the ballot paper.

95. The Deputy Returning Officer shall take all necessary precautions for concealing, and shall conceal, as far as possible, from all persons present (including the Poll Clerk and the agents of the candidates, as well as all other persons), the number printed upon the ballot paper delivered to any person, and upon the counterfoil which was attached thereto, and shall not permit the counterfoil to be inspected by any person. R. S. O. 1887, c. 9, s. 95.

Deputy to explain mode of voting.

96. The Deputy Returning Officer may, and upon request shall, either personally or through his Clerk, explain to the voter, as concisely as possible, the mode of voting, and the colours in which the numbers and names of candidates are printed on the ballot paper. R. S. O. 1887, c. 9, s. 96.

97. Whenever an elector does not understand the English language, the Deputy Returning Officer may employ an interpreter to translate the oath or affirmation required of the elector, as well as any lawful questions necessarily put to him, and his answers; and the interpreter shall take before the Deputy Returning Officer the oath (or, if he be one of the persons permitted by law to affirm in civil cases, the affirmation) following: Interpreter may be employed in certain cases.

"I swear (*or* affirm) that I will faithfully translate such oaths, declarations, questions and answers as the Deputy Returning Officer shall require me to translate at this election: So help me God." Oath.

R. S. O. 1887, c. 9, s. 97.

98. Upon receiving from the Deputy Returning Officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Form 12 in Schedule A to this Act, by placing a cross, thus ×, on the right hand side, opposite the name of the candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate; and he shall then fold the ballot paper across so as to conceal the names of the candidates, and the mark upon the face of such paper, and so as to expose the initials of the Deputy Returning Officer, and the number on the back, and leaving the compartment, shall, without delay, and without shewing the front to any one, or so displaying the ballot paper as to make known to any person the name of the candidate for or against whom he has marked his vote, deliver the ballot paper so folded to the Deputy Returning Officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the mark made by the elector, verify his own initials, and the number on the back of the paper, and at once deposit the same in the ballot box in the presence of all persons entitled to be present, and then present in the polling place; and the voter shall forthwith leave the polling place. R.S.O. 1887, c. 9, s. 98. Voter marking ballot paper.

99. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R. S. O. 1887, c. 9, s. 99. Exclusion from balloting compartment.

100. No person who has received a ballot paper or tendered ballot paper from the Deputy Returning Officer shall take the same out of the polling place; and a person having so received a ballot paper or tendered ballot paper, who leaves the polling place without first delivering the same to the Deputy Returning Officer in the manner prescribed, shall thereby forfeit his right to vote, and the Deputy Returning Officer shall Voter not to take his paper from polling place.

make

make an entry in the voters' list, in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be, and in the latter case the Deputy Returning Officer shall immediately write the word "Declined" upon the ballot paper, and shall preserve it to be returned to the Returning Officer. R. S. O. 1887, c. 9, s. 100.

Proceedings in case of incapacity to mark paper.

101. In case of an application by a person claiming to be entitled to vote, who is unable to read or who is incapacitated by blindness or other physical cause from marking his ballot paper, and in case such person makes a declaration that he is unable to read or that he is incapacitated as aforesaid the proceedings shall be as follows:—

1. The Deputy Returning Officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall cause the ballot paper to be placed in the ballot box.

2. The Deputy Returning Officer shall state or cause to be stated in the voters' list, in the poll book by an entry opposite the name of such person in the proper column of such voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked. And he shall also make a corresponding entry in Form 9 in said poll book, and in the proper columns thereof, giving the name and number of such person on the voters' list in such poll book and the cause of inability.

3. The declaration of inability to read or mark a ballot paper may be according to Form 22 in Schedule A to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the Deputy Returning Officer, who shall attest the same as nearly as may be according to Form 23 in Schedule A to this Act, and the said declaration shall be given to the Deputy Returning Officer at the time of voting R. S. O. 1887, c. 9, s. 101.

Proceedings in case an elector applies for a paper after another has voted as such elector.

102. If a person representing himself to be a particular elector named on the voters' list in the poll book applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly taking the oath authorized by law to be administered to voters at the time of polling, be entitled to mark a tendered ballot paper, but the tendered ballot paper shall be given to the Deputy Returning Officer, and shall be placed by him in an envelope, which shall be securely sealed, and upon the envelope he shall make an endorsation indicating the election at which, and the polling subdivision in which the same is used, and the Deputy Returning Officer shall then deposit the envelope in the ballot box; and the tendered ballot paper shall not be counted by the Deputy Returning Officer; and the name and number on the voters' list aforesaid of such person shall be endorsed upon the counterfoil by the Deputy

Returning

Returning Officer; and the Deputy Returning Officer shall, in the proper schedule in the poll book, being Form 8, enter the name and number on the voters' list aforesaid of such person, or cause the same to be so entered. R. S. O. 1887, c. 9, s. 102.

Proceedings in case a person claims to vote and that his name has been improperly omitted from voters' list.

103. If a person whose name is not entered on the voters' list in the poll book delivered to the deputy returning officer claims that his name is on the voters' list, or on one of the copies of the voters' list certified by the judge, and has been by mistake or otherwise omitted from the voters' list in the poll book delivered to the deputy returning officer, such person shall, upon duly taking an oath according to Form 24 in Schedule A to this Act, or to the like effect, be entitled to mark a tendered ballot paper; and such tendered ballot paper, instead of being put into the ballot box, shall be given to the Deputy Returning Officer, and shall be placed by him in an envelope and deposited in the ballot box, in the manner directed by the last preceding section with reference to the ballot papers marked in pursuance thereof; and the tendered ballot paper shall not be counted by the Deputy Returning Officer; and the name, place of residence and occupation or calling of such person shall be endorsed upon the counterfoil by the Deputy Returning Officer; and the Deputy Returning Officer shall enter or cause to be entered in the proper schedule in the poll book being Form 8, the name, place of residence and occupation or calling of such person. R. S. O. 1887, c. 9, s. 103. 54 V. c. 5, ss. 1-2.

Proceedings in case ballot paper spoiled so that it cannot be used.

104. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Deputy Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Deputy Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the Deputy Returning Officer shall immediately write the word "Cancelled" upon the ballot paper and upon the counterfoil, and preserve it to be returned to the Returning Officer. R. S. O. 1887, c. 9, s. 104.

What shall be deemed a tender of a vote, and a voting.

104*a*. Every person applying for a ballot paper under this Act shall be deemed to tender his vote, or to offer or assume to vote; and any person shall be deemed to have voted who has put his ballot paper into the ballot box, or has caused the same to be put into the ballot box, or has delivered the same to the Deputy Returning Officer or Poll Clerk, for the purpose of having the same placed in the ballot box. R. S. O. 1887, c. 9, s. 206.

Who may be present at polling place.

105. During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks or agents authorized to

attend

attend at such polling place, and such voters as are for the time being actually engaged in voting; but it shall at all times be lawful for the Deputy Returning Officer to have present, or to summon to his assistance in the polling place, any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing a breach thereof, or of removing any person or persons who may, in the opinion of the Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. R. S. O. 1887, c. 9, s. 105.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

Counting of votes.

106. Immediately after the close of the poll in every polling place, the Deputy Returning Officer shall, in the presence of the Poll Clerk, and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:—

Ballot papers to be examined.

1. He shall examine the ballot papers, to ascertain if they are the ballot papers which he had supplied, and such examination shall be made and completed before opening any of the ballot papers, and for the purpose of so ascertaining he shall, after opening the ballot box proceed first to count the whole number of ballot papers in the box without opening any of them, and if the number corresponds with, or does not exceed the number of persons who voted, no further examination to ascertain as aforesaid shall be made. If the number of ballot papers in the box exceeds the number of persons who voted he shall, without opening the ballot papers, examine the backs thereof so far as may be necessary to see his name or initials, and shall reject any papers not having thereon his name or initials. After such examination is completed to the extent necessary he shall proceed to examine the ballot papers, (or the ballot papers not rejected, as the case may be) in order to count up the votes given for each candidate, as provided for in the said section, keeping the ballot papers with their printed faces upwards, and taking all precautions not to see or to permit any person to see the number printed on the back of any paper. R. S. O. 1887, c. 9, s, 106 (1). 53 V. c. 3, s. 4.

Deputy returning officer not to open ballots while counting or examining numbers.

Ballot papers which are not to be counted.

2. Every ballot paper which has not been supplied by the Deputy Returning Officer, or on which votes are given to more candidates than are to be elected, or on which anything in addition to the printed number and the initials or name of the Deputy Returning Officer on the back is written or marked, by which the voter can be identified, shall be void and shall not be counted; but no word or mark written or made, or omitted to be written or made, by the Deputy Returning Officer, on a ballot paper, shall avoid the same.

Objections to ballot papers to be noted.

3. The Deputy Returning Officer shall take a note in Form 10 in the poll book of any objection made by a candidate, or by his agent, or by any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of

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the objection; and the decision of the Deputy Returning Officer shall be final, subject only to reversal on a recount by the County Court Judge, or on petition questioning the election or return.

Objections to be numbered.

4. Every objection to a ballot paper shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and shall be initialed by the Deputy Returning Officer.

Rejected ballots to be endorsed.

5. The Deputy Returning Officer shall endorse "Rejected" on every ballot paper which he may reject as invalid, and shall endorse "Rejection objected to," if any objection be made to his decision.

Statement of result.

6. The Deputy Returning Officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, according to Form 18 in the Schedule hereto and being Form 11 in the poll book of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, and the number of those rejected shall be entered in said poll book under the several heads following:—

Contents of statement of Deputy Returning Officer.

(*a*) Number of papers rejected as wanting signature or initials of Deputy Returning Officer;

(*b*) Number of papers rejected as voting for more candidates than entitled to;

(*c*) Number of papers rejected as having a writing or mark by which voter could be identified;

(*d*) Number of papers rejected as unmarked or void for uncertainty;

and the said statement shall also show the total number of persons who have voted at such polling place and shall forthwith be signed by the Deputy Returning Officer and poll clerk and such of the candidates or their agents as may be present and desire to sign the statement.

Only two agents for a candidate may be present.

107. No more than two agents for a candidate shall be entitled to be present at the same time at the counting of the votes. R. S. O. 1887, c. 9, s. 107.

Deputies to certify the number of voters.

108. Every Deputy Returning Officer shall, at the close of the poll, certify over his signature in Form 11 in the poll-book in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside. R.S.O. 1887, c. 9, s. 108.

Certificates of the state of poll.

109. At the close of the poll the Deputy Returning Officer, on being requested so to do, shall deliver to each of the candidates, or their agents, or in the absence of the candidates or agents, to the electors present representing the candidates respectively,

pectively, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers, and he shall also forthwith make out the ballot paper account in the form required by section 112 of this Act. R. S. O. 1887, c. 9, s. 109.

Deputy Returning Officers' duties after votes are counted.

110. Every Deputy Returning Officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to affix their seals, and marked upon the outside with the proper letter of the alphabet and a short statement of the contents of the packet, as in this section mentioned, the date of the day of the election, the name of the Deputy Returning Officer, and the polling sub-division and Electoral District:

(*a*) The used ballot papers which have not been objected to and have been counted;

(*b*) The ballot papers which have been objected to but which have been counted;

(*c*) The rejected ballot papers;

(*d*) The unused ballot papers and the counterfoils of the ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The tendered ballot papers;

(*g*) The ballot papers given to voters who afterwards returned the same, declining to vote;

(*h*) The declarations of "inability to read" and "physical incapacity" taken under section 101 of this Act, with the attestations thereto and all certificates received by the Deputy Returning Officer;

(*i*) After all the oaths have been taken and subscribed and all the entries made in the poll-book as by this Act required, the Deputy Returning Officer shall in the presence of the candidates or their agents enclose the said poll-book in a separate packet and write thereon the words "poll-book" and also the date of the election, the name of the Deputy Returning Officer, the name or number of the polling sub-division, the municipality, and the electoral district.

Certain packets to be delivered to the Returning Officer.

111. The Deputy Returning Officer shall forthwith deliver the packets personally to the Returning Officer; and if he be unable to do so, owing to illness or other cause, he shall deliver the packets to a person chosen by him for the purpose of delivering the same to the Returning Officer; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall

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take a proper receipt therefor, and the person so chosen shall after having delivered the said packets to such returning officer, make oath before him to the effect of Form 28 in the Schedule hereto. R. S. O. 1887, c. 9, s. 111. 53 V. c. 3, s. 7.

Statement to be made by Deputies on return of ballot papers, etc.

112. The poll book shall contain a statement made by the Deputy Returning Officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) counted; (2) rejected; (3) unused; (4) spoiled; (5) tendered ballot papers; (6) ballot papers given to voters, who afterwards returned the same, declining to vote; and (7) ballot papers taken from the polling place; which statement shall be in Form 19 in the schedule hereto, and being Form 12 in the poll book, and is in this Act referred to as the "Ballot Paper Account." R. S. O. 1887, c. 9, s. 112.

No scrutiny.

113. No Returning Officer or Deputy Returning Officer shall grant, make or enter into a scrutiny of the votes given at an election. R. S. O. 1887, c. 9, s. 113.

Oath to be made by Deputy Returning Officer before return of voters' list.

114. The Deputy Returning Officer who has kept and closed the poll, shall, immediately thereafter make and subscribe, either before a Justice of the Peace for the County or District where he resides, or before the Returning Officer or the Poll Clerk, the oath, Form 25 in Schedule A to this Act, and being Form 13 in poll book. R. S. O. 1887, c. 9, s. 114.

Oath to be made by Poll Clerk before return of voters' list.

115. Every Poll Clerk shall, immediately after the close of the poll at which he has acted, make and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Deputy Returning Officer, or before the Returning Officer the oath, Form 26 in Schedule A to this Act, and being Form 14 in poll book. R. S. O. 1887, c. 9, s. 115.

Delivery of ballot boxes to Clerk of Municipality for future elections.

116. Within one week after the close of the election, every Deputy Returning Officer shall deliver the ballot box used in his polling subdivision to the Clerk of the Municipality within which the polling subdivision is situate; and the ballot boxes delivered to the Clerk shall be preserved by him for use at future elections for the Electoral District. R. S. O. 1887, c. 9, s. 116.

Counting of the votes by the Returning Officer.

117.—(1) The Returning Officer, after he has received the packets before mentioned, shall, at the place and time named from the hustings for this purpose when granting a poll open the packets containing the several poll books and shall not open any other of the sealed packets, and from the statements of the poll contained in Form 11 of the said several poll books shall cast up the number for each candidate; and as soon as he has thus ascertained the result of the poll, shall forthwith declare to be elected the candidate having the highest number of votes.

(2)

Casting vote.

(2) Where an equality of votes is found to exist between the candidates, and the addition of a vote would entitle any of the candidates to be declared elected, the Returning Officer may give an additional vote, but shall not in any other case be entitled to vote at an election for which he is Returning Officer. R. S. O. 1887, c. 9, s. 117.

RE-COUNT OF BALLOTS.

Re-count of votes by the County Judge.

118.—(1) In case it is made to appear on the affidavit of a credible witness, to the County Judge of any County in which the Electoral District or any part thereof is situated, at any time before the Returning Officer makes his return, that a Deputy Returning Officer at an election in the Electoral District in counting the votes has improperly counted or rejected any ballot papers at the election, the County Judge may, where the majority for the successful candidate is under fifty votes, appoint a time, within the time hereinafter limited, to re-count the votes, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to re-count the same.

Re-count by District Judge.

(2) Where there is a District Judge, the application for a re-count shall be made to him, or to one of the District Judges if there are more than one having jurisdiction in the Electoral District or some part thereof; and those sections of this Act which provide for or regulate a re-count by a County Judge, shall apply to a re-count by a District Judge.

Before whom affidavit for re-count may be made.

(3) The affidavit required in order to a re-count of votes, may be made before either a commissioner for taking affidavits, or a Justice of the Peace, or the Election Clerk.

Time within which application to be made.

(4) The application for the appointment is to be within four days after the Returning Officer has, under section 117, cast up the number of votes for each candidate, and, subject to a re-count, ascertained the result of the poll, and declared the candidate having the highest number of votes.

Time appointed for re-count.

(5) The time appointed for the re-count shall not be more than four days from the date of the appointment.

Notice of re-count.

(6) Notice of the re-count shall be served on the candidates appearing to be elected or their agents not less than two days before the time appointed for the re-count, or within such other time as the Judge may direct.

Attendance of Clerk of County Court.

(7) The Judge may require the Clerk of the District or County Court, as the case may be, to be present at any re-count of votes. R. S. O. 1887, c. 9, s. 118.

Who may be present on re-count.

119. The County Judge, the Returning Officer and his Election Clerk, and the candidates, and one agent for each candidate, appointed in writing by the candidate to attend, shall be entitled to be present during the proceedings; and if any candidate is not present in person two agents for such

candidate,

candidate, appointed as aforesaid, shall be entitled to be present; and, except with the sanction of the County Judge, no other person shall be present at such re-count of the votes. R. S. O. 1887, c. 9, s. 119.

Opening of packets.

120. At the time and place appointed, the County Judge shall proceed to re-count all the votes or ballot papers returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packets containing—(1) the used ballot papers which have not been objected to and which have been counted; (2) the ballot papers which have been objected to but which have been counted; (3) the rejected ballot papers; (4) the spoiled ballot papers, and no other ballot papers or counterfoils; and in re-counting the votes care shall be taken that the mode in which any particular elector has voted shall not be discovered. R. S. O. 1887, c. 9, s. 120.

The re-count to be a continuous proceeding.

121. The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents. R. S. O. 1887, c. 9, s. 121.

Procedure on re-count.

122. The County Judge shall proceed to re-count the votes according to the rules set forth in sections 106 and 107 of this Act, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, he shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the Returning Officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the Returning Officer shall have the casting vote, as provided in section 117 of this Act. R. S. O. 1887, c. 9, s. 122.

Returning Officer not to make return till receipt of certificate from County Judge.

123. The Returning Officer, after the receipt of a notice from the County Judge of such re-count of ballots, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the County Judge of the result of the re-count, and upon receipt of such certificate the Returning Officer shall proceed to make his return as provided in this Act. R. S. O. 1887, c. 9, s. 123.

124.

Production and custody of ballot papers on a re-count.

124. In case of a re-count of votes or ballot papers under the preceding six sections of this Act, the Returning Officer shall, on a written notice from the Judge, produce the ballot papers at the time and place appointed for the re-count, and the same shall continue in the custody of the Returning Officer; and he shall continue to be responsible therefor, subject to any directions which the Judge may give in respect of the said ballot papers. R. S. O. 1887, c. 9, s. 124.

PROCEEDING IN CASE OF LOSS OR INJURY OF VOTERS' LIST OR OTHER DOCUMENTS.

Proceedings in case voters' list is stolen, etc.

125.—(1) In case a poll book or part thereof is stolen or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer to whom the custody of such poll book for the time being belonged, at any time before he has made his return of the same to the Returning Officer, the Deputy Returning Officer shall attend personally on the Returning Officer, and report to him the fact of the loss of the said poll book or any part thereof; and the Poll Clerk of the Deputy Returning Officer, so soon as he is informed of the loss personally or by letter, either by or from the Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that the loss has occurred, shall forthwith attend personally on the Returning Officer.

Examination of Deputy Returning Officer and Poll Clerk, etc.

(2) The Returning Officer shall examine the Deputy Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to the loss of the said poll book and the contents thereof, which examination shall be taken down by him in writing and be subscribed by the Deputy Returning Officer and Poll Clerk, and annexed to the return in lieu of the voters' list or poll book.

Punishment of Deputy Returning Officer or Poll Clerk refusing to attend or be sworn.

(3) If either the Deputy Returning Officer or the Poll Clerk omits to attend on the Returning Officer as hereby required, or refuses to be sworn by such Returning Officer or to affirm as aforesaid, he shall incur a penalty of $200, and in the case of his refusal to be sworn or to affirm as aforesaid, he may be committed by the Returning Officer to the common gaol of the County or District, until thence discharged by an order in that behalf made by the Legislative Assembly. R. S. O. 1887, c. 9, s. 125.

Duty of Returning Officer believing any election documents to be altered, etc.

126. When the Returning Officer, having received a poll book or any other document connected with the election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, he shall establish the true facts in the manner above provided in case of the loss of a poll book as aforesaid. R. S. O. 1887, c. 9, s. 126.

RETURN, PRESERVATION OF DOCUMENTS, ETC.

Time within which return to be made to Clerk of the Crown in Chancery.

127. The Returning Officer shall make and transmit his return to the Clerk of the Crown in Chancery:

(*a*) Where the majority of the successful candidate is over fifty, within ten days after he has ascertained the result of the poll, and

(*b*) Where the majority of the successful candidate is under fifty, after the fifth day from the day on which he receives the last return of any Deputy Returning Officer, and within ten days after he has ascertained the result of the poll, unless he has received a notice from the County Judge of a re-count of ballots, in which case he shall delay making his return until he receives a certificate from the County Judge of the result of the re-count, and upon receipt of the certificate the Returning Officer shall proceed to make his return. R. S. O. 1887, c. 9 s. 127.

Returning Officer to transmit to Clerk of the Crown in Chancery the ballot papers, etc.

128. The Returning Officer shall at the same time transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, sealed with the seal of the Returning Officer, all the packets of ballot papers in his possession, declarations of inability to read or mark, packets of counterfoils, poll book and all other documents sent by the Deputy Returning Officers, endorsing on the packet a description of its contents, and the date of the election to which they relate, and also the name of the Electoral District for which the election was held; and the return and the packet, so directed as aforesaid to be transmitted to the Clerk of the Crown in Chancery, may be transmitted by express or through the post-office, the same being first duly registered. R. S. O. 1887, c. 9, s. 128.

Oath of Returning Officer after transmitting return.

128*a*. An oath to the effect set forth in Form 29 in the Schedule to this Act shall be taken by every Returning Officer forthwith after transmitting his return to the Clerk of the Crown in Chancery under the next preceding section and the said oath shall be thereupon forthwith transmitted to the Clerk of the Crown in Chancery, by post and in an envelope duly registered. 53 V. c. 3, s. 8.

Returning Officer to transmit duplicate of return to each candidate.

129. The Returning Officer shall also, before transmitting his return to the Clerk of the Crown in Chancery, upon application, deliver to each of the candidates, or their agents, or if no application be made, shall, within the same period, transmit by mail to each candidate a duplicate of the return, which duplicate shall stand in lieu of an indenture. R. S. O. 1887 c. 9, s. 129.

Clerk of Crown in Chancery (unless otherwise ordered) to destroy

130. The Clerk of the Crown in Chancery shall retain for the period of one year all documents relating to an election forwarded to him in pursuance of this Act by a Returning Officer, and then, unless otherwise directed by a rule or order

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documents returned to him after one year.

of the Court of Appeal or a Judge thereof, or a Judge on the rota for the trial of election petitions, he shall destroy the same by fire. R. S. O. 1887, c. 9, s. 130.

Returning Officer may be sued for neglecting to return any person duly elected.

Rev. Stat. c. 10.

131. If a Returning Officer wilfully delays, neglects or refuses duly to return a person who ought to be returned to serve in the Legislative Assembly for an Electoral District, such person may, in case it has been determined on the hearing of an election petition under *The Ontario Controverted Elections Act*, that such person was entitled to have been returned, sue the Returning Officer having so wilfully delayed, neglected, or refused duly to make the return of his election in any Court of Record in Ontario, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit, provided the action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to the election. R. S. O. 1887, c. 9, s. 131.

PUBLICATION OF RETURN.

Notice of return in *Ontario Gazette*

132. The Clerk of the Crown in Chancery shall, on receiving the return of a member elected to the Legislative Assembly, give in the next ordinary issue of the *Ontario Gazette*, notice of the receipt of the return, the date of his receiving the same, and the name of the candidate elected. R. S. O. 1887, c. 9, s. 132.

INSPECTION OF DOCUMENTS.

Inspection of rejected ballot papers, etc.

133. No person shall be allowed to inspect rejected ballot papers or ballot papers objected to under section 106 of this Act in the custody of the Clerk of the Crown in Chancery, except under the rule or order of the Court of Appeal or a Judge thereof, or a Judge on the rota for the trial of election petitions; such rule or order to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of the ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and the order for the inspection or production of ballot papers may be made, subject to such conditions as to persons, time, place, and mode of inspection or production, as the Court or Judge making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery. R. S. O. 1887, c. 9, s. 133.

Inspection of counterfoils and counted ballot papers.

134.—(1) No person shall, except by order of the Court or Judge as aforesaid, open the sealed packets of counterfoils, after the same have been once sealed up; and no person shall, except by order of a tribunal having cognizance of petitions complaining of undue returns or undue elections, be allowed to inspect the counted ballot papers (other than ballot papers objected to under section 106 of this Act) in the custody of the Clerk of

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the Crown in Chancery; and the orders may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court, Judge or tribunal, making the order may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery.

(2) On making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted be not discovered until he has been proved to have voted, and his vote has been declared by a competent tribunal to be invalid. R. S. O. 1887, c. 9, s. 134.

Inspection of other documents.

135. All documents forwarded by a Returning Officer, in pursuance of this Act, to the Clerk of the Crown in Chancery, other than ballot papers and counterfoils, shall be open to public inspection, at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery with the consent of the Speaker of the Legislative Assembly; and the Clerk of the Crown in Chancery shall supply copies of or extracts from the documents to any person demanding the same, on payment for the same at the rate of ten cents for each folio of one hundred words, and in computing the number of words in the copy or extract every figure shall be counted as a word. R. S. O. 1887, c. 9, s. 135.

Evidence as to documents, ballot papers, etc., in certain cases.

136. Where a rule or order is made for the production by the Clerk of the Crown in Chancery of any document in his possession relating to a specified election, the production of the document by the Clerk or his agent, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election: and any endorsement appearing on any packet of ballot papers produced by the Clerk of the Crown in Chancery or his agent, shall be evidence of the papers being what they are stated to be by the endorsement; and the production from proper custody of a ballot paper purporting to have been used at an election, and of a counterfoil marked with the same printed number, and having a number marked thereon in writing, shall be deemed *prima facie* evidence that the person who voted by the ballot paper was the person who, at the time of the election, had prefixed to his name in the voters' list in the poll book used for the polling subdivision in which he voted at the election, the same number as that written on such counterfoil: or in the case of tendered ballot papers marked in the manner hereinbefore provided by persons not named in the voters' list aforesaid, the production, from the proper custody, of any such ballot paper, purporting to have been used at an election, and of a counterfoil, marked with the same printed number, and having a name written thereon (other than the name of the Deputy Returning Officer), shall be deemed *prima facie* evidence that the person who voted by the ballot paper was the person whose name was so written as aforesaid on the counterfoil. R. S. O. 1887, c. 9, s. 136.

KEEPING

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS.

Returning Officer and his Deputies to be conservators of the peace.

137. From the time when a Returning Officer or Deputy Returning Officer has taken and subscribed the oath of office until the day next after the final closing of the polls at the election, the Returning Officer or Deputy Returning Officer, respectively, shall be a conservator of the peace, and invested, for the maintenance of the peace, for the arrest, detention, or admission to bail, trial and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Province. R. S. O. 1887, c. 9, s. 137.

Justices, etc., may be required to aid in keeping the peace.

138. For the maintenance of the peace and of good order at the elections, each Returning Officer or Deputy Returning Officer respectively, may require the assistance of all Justices of the Peace, constables, and other persons present at the election, whether at the place of holding the election, or at any polling place, to aid him in so doing, and may also swear in as many special constables as he deems necessary. R. S. O. 1887 c. 9, s. 138.

Special constables to be sworn in in certain cases.

139. On a requisition in writing made by a candidate or by his agent, or by any two or more electors, a Returning Officer or Deputy Returning Officer shall swear in such special constables. R. S. O. 1887, c. 9, s. 139.

Returning Officer or Deputy may order arrest of persons disturbing the peace.

140. Every Returning Officer or Deputy Returning Officer respectively, may arrest or cause to be arrested, by verbal order, and may place in the custody of one or more constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, for a period not later than the final closing of the election or of the poll, respectively; which order all persons shall obey without delay under a penalty of $20 for any refusal or neglect so to do. R. S. O. 1887, c. 9, s. 140.

Penalty.

Such arrest not to prevent other punishment.

141. No such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise. R. S. O. 1887, c. 9, s. 141.

Returning Officer or Deputy may demand surrender of all weapons.

142. A Returning Officer or Deputy Returning Officer may, during any part of the day whereon an election is to be begun, holden or proceeded with, or on which a poll for an election is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as firearms, swords, staves, bludgeons or the like, with which any such person is armed, or which any such person has in his hands or personal possession; and every person

who

who upon demand declines or refuses to deliver up to the Returning Officer or Deputy Returning Officer, any offensive weapon as aforesaid, shall incur a penalty of $20. R. S. O. 1887, c. 9, s. 142. Penalty.

143. Every person convicted of a battery committed during any part of the days whereon an election, or any poll for an election, is to be begun, holden or proceeded with, within the distance of two miles of the place where the election or poll is so begun, holden, or proceeded with, shall incur a penalty of $50. R. S. O. 1887, c. 9, s. 143. Penalty on persons convicted of battery.

144. Except the Returning Officer or his Deputy, or the Poll Clerk, or one of the constables or special constables appointed by the Returning Officer or his Deputy for the orderly conduct of an election or poll, and the preservation of the public peace thereat, no person who has not had a stated residence in the township or union of townships, or ward, or subdivision, for at least six months next before the day of the election, shall come during any part of the day upon which the poll is to remain open, into the township or union of townships, ward, or subdivision, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like; nor shall any person whomsoever being in the township, union of townships, ward, or subdivision, arm himself, during any part of the day, with such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such subdivision is held, unless called upon to do so by lawful authority. R. S. O. 1887, c. 9, s. 144. Restrictions as to carrying arms while poll is open.

145. No candidate for the representation of any Electoral District, or any other person, shall furnish or supply any ensign standard, or set of colours, or other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such Electoral District on the day of election, or within eight days before such day, or during the continuance of the election or polling, by such person or any other, as a party flag, to distinguish the bearer thereof and those who might follow the same, as the supporters of such candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate;

Nor shall any person for any reason carry or use any ensign, standard, set of colours, or other flag, as a party flag, within the Electoral District on the day of the election or polling, or within eight days before such day, or during the continuance of the election. R. S. O. 1887, c. 9, s. 145. Party ensigns, flags, etc., not to be carried during the election or within eight days before it.

146. No candidate for the representation of any Electoral District, or any other person, shall furnish or supply any ribbon, label, or the like favour, to or for any person whomsoever, with intent that the same should be worn or used within the Electoral District on the day of election or polling, or within eight days before such day, or during the continuance of the Party badges, etc., not to be used.

election,

election, by such person or any other as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate;

Nor shall any person use or wear any ribbon, label, or other favour, as such badge, within the Electoral District, on the day of the election or polling, or within eight days before such day, or during the continuance of the election. R. S. O. 1887, c. 9, s. 146.

Penalty.

147. Every person offending against any of the provisions of the next preceding three sections, shall incur a penalty of $100. R. S. O. 1887, c. 9, s. 147.

MAINTAINING SECRECY OF PROCEEDINGS.

Maintaining secrecy of proceedings.

148.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place; and shall not communicate, before the poll is closed, to any person any information as to the number on the voters' list in the poll book of any person who has or who has not applied for a ballot paper or voted at that polling place.

(2) No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate for whom a voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom a voter at a polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at a polling place, or upon the counterfoil which was attached to the ballot paper, or as to the number prefixed to the name of a voter in the voters' list in the poll book.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting, the number on the back of any ballot paper, or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.

(5) No person shall, directly or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Penalty.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. 1887, c. 9, s. 148.

149.

149. Every Returning Officer and every other officer, clerk and agent authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties take an oath or affirmation of secrecy, in the presence, if he is the Returning Officer, of a Justice of the Peace, and, if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, the Returning Officer or a Deputy Returning Officer, and the oath or affirmation of secrecy shall be according to Form 27 in Schedule A to this Act, or to the like effect and being one of the Forms 6 in the poll book. R. S. O. 1887, c. 9, s. 149; 53 V. c. 3, s. 3. Oath of secrecy.

149*a*. In case any returning officer, deputy-returning officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the County Crown Attorney; and it shall be the duty of the County Crown Attorney on receiving such information from such or any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence. 53 V. c. 3, s. 9. Proceedings where officers aware of violation of secrecy.

150. No person who has voted at an election shall, in any legal proceedings to question the election or return, be required to state for whom he has voted. R. S. O. 1887, c. 9, s. 150. No one compellable to disclose his vote.

PREVENTION AND PUNISHMENT OF CORRUPT PRACTICES AND OTHER ILLEGAL ACTS AT ELECTIONS.

151.—(1) The following persons shall be deemed guilty of bribery and shall be punished accordingly :— Certain acts to be bribery.

(*a*) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises or endeavours to procure any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at an election; Giving money, etc., to voters.

(*b*) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, or promises to procure, or to endeavour to procure any office, place or employment to or for any voter or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at an election; Procuring office, etc., for voters,

(*c*)

or for persons influencing voters.

(*c*) Every person who directly or indirectly, by himself, or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the Legislative Assembly, or the vote of any voter at an election;

Corruptly influencing voters.

(*d*) Every person who upon or in consequence of any gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person to serve in the Legislative Assembly, or the vote of any voter at an election;

Advancing or paying money or bribery.

(*e*) Every person who advances or pays, or causes to be paid money to, or to the use of, any other person with the intent that such money or any part thereof shall be expended in bribery at an election, or who knowingly pays, or causes to be paid, money to any person in discharge or repayment of any money wholly or in part expended in bribery at an election

Penalty.

(2) Every person so offending shall incur a penalty of $200; but the actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, and other lawful and reasonable expenses incurred by the candidate or any agent in good faith and without any corrupt intent in connection with the election, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R. S. O. 1887, c. 9, s. 151.

Certain acts by voters to be bribery.

152.—(1) The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

Contracting to vote for money, etc.

(*a*) Every voter who, before or during an election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election;

Receiving money for voting.

(*b*) Every person who, after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at an election.

Penalty.

(2) Every person so offending shall incur a penalty of $200. R. S. O. 1887, c. 9, s. 152.

Furnishing entertainment forbidden, except at residence of the person furnishing.

153.—(1) No candidate for the representation of an Electoral District shall, nor shall any other person, either provide or furnish drink or other entertainment at the expense of such candidate or other person, to any meeting of electors assembled

for

for the purpose of promoting the election, previous to or during the election, or pay or promise or engage to pay for such drink or other entertainment, except only that nothing herein contained shall extend to any entertainment furnished to any such meeting of electors by or at the expense of any person or persons at his, her, or their usual place of residence.

(2) Every person offending against the provisions of this section shall incur a penalty of $100. R. S. O. 1887, c. 9, s. 153.

Candidate not corruptly to provide refreshment.

154. No candidate shall corruptly, by himself or by or with any person, or by any other way or means on his behalf, at any time either before or during an election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give, or refrain from giving, his vote at the election: and every person so acting shall be deemed guilty of corrupt practice, and shall forfeit, to any person who sues for the same, the sum of $200, with full costs of suit, in addition to any other penalty to which he may be liable therefor. R. S. O. 1887, c. 9, s. 154.

Penalty.

Giving meat or drink to electors.

155. The giving or causing to be given to any voter on the nomination day or day of polling, on account of such voter being about to vote or having voted, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed a corrupt practice, and the person offending shall also forfeit, to any person suing for the same, the sum of $10 for each offence, with full costs of suit. R. S. O. 1887, c. 9, s. 155.

Penalty.

Wagering or betting.

156.—(1) Every candidate who, before or during the election, makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, any bet or wager, upon the result of the election in the electoral district, or in any part thereof or on any event or contingency relating to the election, shall be guilty of corrupt practice.

(2) Every candidate or other person who provides money to be used by another in betting or wagering upon the result of an election to the Legislative Assembly, or on any event or contingency relating to the election, shall be guilty of corrupt practices.

(3) Every person who for the purpose of influencing an election makes a bet or wager on the result thereof, in the electoral district or any part thereof, or on any event or contingency relating thereto, shall be guilty of corrupt practice. R. S. O. 1887, c. 9, s. 156.

Hiring of vehicles by candidates to convey electors illegal.

157.—(1) And whereas doubts may arise as to whether the hiring of teams and vehicles to convey electors to and from the polls, the providing or furnishing railway tickets or passes free

of

of charge for the conveyance of voters to or from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law:—It is declared and enacted, that

The hiring or promising to pay or paying for a horse, team, carriage, cab or other vehicle, by a candidate, or by a person on his behalf, to convey voters to or near or from the poll, or from the neighbourhood thereof, at an election, or the payment by a candidate, or by a person on his behalf, of the travelling and other expenses of a voter in going to or returning from an election, shall be illegal acts; and the person so offending shall thereby incur a penalty of $100.

(2) The following acts also shall be illegal acts and subject every person offending to a penalty of $100, that is to say, providing or furnishing conveyance or transportation by railway free of charge or at diminished rates to voters to or from or on the way to or from the polls and whether passes or tickets or the like are or are not supplied.

Penalty.

(3) Every elector who hires a horse, cab, cart, waggon, sleigh carriage or other conveyance for a candidate, or for an agent of a candidate or provides or furnishes or pays for the railway conveyance or transportation of voters as aforesaid shall *ipso facto* be disqualified from voting at the election, and for every such offence shall incur a penalty of $100. R. S. O. 1887, c. 9, s. 157.

Persons guilty of undue influence.

158. Every person who, directly or indirectly, by himself or any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at an election, or who, by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with, the free exercise of the franchise of a voter, or thereby compels, induces, or prevails upon a voter, either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of $200. R. S. O. 1887, c. 9, s. 158.

Penalty.

Personation to be a corrupt practice.

159.—(1) Every person who aids or abets, counsels or procures the commission of the offence of personation, shall be deemed guilty of corrupt practice.

Personation defined.

(2) A person shall be deemed to be guilty of the offence of personation who, at an election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at an election, applies at the same election for a ballot paper in his own name, and every such person shall incur a penalty of $200. R. S. O. 1887, c. 9, s. 159.

160.

160. Every person who votes at an election knowing he has no right to vote at such election and every person who induces or procures any other person to vote at an election, knowing that such other person has no right to vote at the election, shall be guilty of a corrupt practice, and shall be liable to a penalty of $100. R. S. O. 1887, c. 9, s. 160. Voting by persons not entitled to vote to be a corrupt practice.

160*a*.—(1) Where a person is prosecuted before an election court under sections 151, 152 or 159 of this Act or he does not appear before the court, or the court thinks it in the interest of justice expedient that he should be tried before some other court, the election court if of opinion that the evidence is sufficient to put the said person on his trial for the offence may order such person to be prosecuted before such court as may be named in the order; and for all purposes preliminary or incidental to such prosecution, the offence shall be deemed to have been committed within the jurisdiction of the court so named. Court for trial of certain offences may be changed.

(2) Every person tried by a jury shall, if found guilty, be liable to be imprisoned for any term not exceeding six months as well as to a fine not exceeding $200 in the discretion of the court. Any prosecution under this section shall be a bar to any proceedings for the recovery of the penalty in any of the said sections mentioned.

161. No spirituous or fermented liquor or strong drink shall be sold or given at any hotel, tavern, shop or other place within the limits of a polling subdivision, during the polling day therein or any part thereof, under a penalty of $100 for every offence; and the offender shall be subject to imprisonment not exceeding six months at the discretion of the Court or Judge, in default of payment of such fine. R. S. O. 1887, c. 9, s. 161. No strong drink to be sold on polling day. Penalty.

DISQUALIFICATION FOR CORRUPT PRACTICES.

162. Where it is found upon the report of a Judge upon an election petition that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate, if he has been elected, shall, except in the cases mentioned in section 163, be void. R. S. O. 1887, c. 9, s. 162. Corrupt practices by candidate or his agent to avoid election.

163. To prevent the expense and trouble of new elections when unnecessary and useless; in case of a corrupt practice or practices being committed by an agent without the knowledge and consent of the candidate, if the corrupt practice or practices was or were of such trifling nature, or was or were of such trifling extent, that the result cannot have been affected, or be reasonably supposed to have been affected by such practice or practices, either alone or in connection with other illegal practices at the election, such corrupt practice or practices shall not avoid the election. R. S. O. 1887, c. 9, s. 163. Corrupt practices by agents without knowledge of candidate not necessarily to avoid election.

Candidate guilty of corrupt practice incapable for eight years of being elected, etc.

164. Where it is found by the report of the Judges upon an election petition that any corrupt practice has been committed, by or with the actual knowledge or consent of a candidate at an election, and the next section does not apply, then in addition to his election, if he has been elected, being void, such candidate shall, during the eight years next after the date of his being so found guilty, be incapable of being elected to and of sitting in the Legislative Assembly, and of being entered in any voters' list or poll book as a voter and of voting at any election, and of holding any office, at the nomination of the Crown or of the Lieutenant-Governor, in Ontario, or any municipal office. R. S. O. 1887, c. 9, s. 164.

Corrupt practice committed in excusable ignorance.

165. If it appears to the Court or the Judges or one of them trying an election petition, that an act constituting in law a corrupt practice was committed by a candidate, or with his knowledge and consent, but without any corrupt intent, and in an ignorance which was involuntary and excusable, and that the evidence shewed the candidate to have honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would but for this section incur under the next preceding section. R. S. O. 1887, c. 9, s. 165.

Vote by elector committing any corrupt practice void.

166. If on the trial of an election petition, it is proved that an elector voting at the election was bribed, he shall be disqualified from voting at the next general election; and if it is proved that a corrupt practice has been committed by an elector voting at the election, his vote shall be null and void. R. S. O. 1887, c. 9, s. 166.

Votes to be struck off on scrutiny when corrupt practice is proved.

167. In case a candidate or the agent of a candidate is proved to have committed a corrupt practice with respect to a voter, there shall on a scrutiny be struck off from the number of votes given for such candidate one vote for every person in regard to whom such corrupt practice is proved to have been committed, and without any examination of the ballot paper or other evidence to ascertain how such voter in fact voted. R. S. O. 1887, c. 9, s. 167.

Punishment of persons found guilty of any corrupt practice.

168.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the eight years next after the time at which he is so found guilty, be incapable of being elected to and of sitting in the Legislative Assembly, and of being registered as a voter, and of voting at any election, and of holding any office at the nomination of the Crown, or of the Lieutenant-Governor, in Ontario, or any municipal office.

(2)

(2) No person other than a candidate shall be subject to the disabilities set forth in the preceding sub-section, (1) by reason of a merely technical breach of law, or (2) by reason of any act not being an intentional violation of law, and not involving moral culpability or affecting the result of the election. R. S. O. 1887, c. 9, s. 168.

A merely technical or unintentional contravention of the law not to subject to penalties, etc.

169. If on the trial of an election petition, any candidate is proved to have personally engaged at the election to which the petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has, within eight years previous to such engagement, been found guilty of any corrupt practice by a competent legal tribunal, or by the report of the Judges upon an election petition, the election of such candidate shall be void. R. S. O. 1887, c. 9, s. 169.

Election of candidate to be void for employing agent previously found guilty of corrupt practice.

170. To remove doubts as to the effect, upon a subsequent election, of the avoidance of a prior election, held for the same Electoral District for the same Legislative Assembly, it is hereby enacted:—That such subsequent election shall be deemed and taken, as respects both candidates and voters, to be a new election, in law and in fact, to all intents and purposes, except as to the personal acts of the candidates and the acts of agents of candidates done with the knowledge and consent of the candidates, and so found and reported by the Judges in deciding that the former election was void, such finding not being reversed in appeal. R. S. O. 1887, c. 9, s. 170.

Effect of avoidance of a prior election.

171. If, at any time after any person has become disqualified by virtue of this Act, the witnesses or any of them on whose testimony such person has so become disqualified are, upon the prosecution of such person, convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court of Appeal to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of perjury, order that the disqualification shall thereafter cease and determine, and the same shall cease and determine accordingly. R. S. O. 1887, c. 9, s. 171.

Removal of disqualification on proof that disqualification was procured by perjury.

172. Every person wilfully voting at an election, without having, at the time of his so voting, all the qualifications required by law for entitling him so to vote, shall incur a penalty of $200, and, subject to the provisions of section 19 of *The Voters' Lists Act*, his vote shall, moreover, be null and void; and in any action or prosecution instituted as hereinafter provided against such person for the recovery of the penalty, the burden of the proof of such person having at the time of his so voting at the election, all the said qualifications, shall fall upon him and not upon the party instituting the action or prosecution. R. S. O. 1887, c. 9, s. 172.

Penalty for voting when under disqualification.

52 V. c. 3.

Proof of qualification to be on person voting.

173.

Penalty for voting more than once.

173. Every person who votes more than once at the same election shall, for so doing, incur a like penalty of $200, and every vote he gives subsequently to his first vote shall be null and void. R. S. O. 1887, c. 9, s. 173.

Colourable transfer property in order to confer vote.

174. No person shall make, execute, accept or become a party to any lease, deed, or other instrument, or become a party to any verbal arrangement, whereby a colourable interest in any land, house or tenement is conferred, in order to qualify any person to vote at an election; and every person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of $100, and every person who induces, or attempts to induce, another to commit an offence under this section, shall incur a like penalty. R. S. O. 1887, c. 9, s. 174.

Penalty for fraudulent conveyances in order to give a vote.

Such conveyances to be valid between the parties.

175. If lands or tenements are transferred or conveyed to a person, by any title or instrument whatever, fraudulently, and for the purpose of giving him the qualification requisite to enable him to vote, and if such person votes at any election, upon such lands or tenements, he shall incur a penalty of $200; and nevertheless the transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, as between the parties thereto; and every agreement to annul or revoke such transfer or conveyance, or to reconvey such lands or tenements, shall be null and void. R. S. O. 1887, c. 9, s. 175.

Contracts arising out of elections to be void.

176. Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon, an election under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back money paid for lawful expenses connected with the election. R. S. O. 1887, c. 9, s. 176.

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable.

Proviso.

177. No pecuniary penalty or forfeiture imposed by an Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge, before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. R. S. O. 1887, c. 9, s. 177.

COURT FOR TRIAL OF ILLEGAL ACTS.

178. Any two of the Judges appointed for the trial of election petitions shall be and constitute a Court for the trial of all corrupt practices and other illegal acts committed during an election, being offences in respect of which this Province has legislative authority. R. S. O. 1887, c. 9, s. 178. Court constituted for trial of illegal acts.

179.—(1) In case, in and by an affidavit filed at, before, or after the trial of an election petition, or from the evidence at the trial, any person not a party to the petition is charged with, or appears to have committed, any corrupt practice or other illegal act in connection with the election, the Judges or Judge trying the petition, or any Judge upon the rota for the trial of election petitions, may order such person to be summoned to appear to answer the charge or charges stated in the summons at a time and place to be named in the summons. Procedure by summons in case charge of corrupt practice made against person not a party to petition.

(2) The summons may be issued or returnable at any place in this Province, and may be heard and disposed of by any Judge or Judges upon the rota for the trial of election petitions or by any Judge of the High Court holding a sittings of the said Court for the trial of civil or criminal causes. Issue and hearing of summons.

(3) Every summons issued under this section may be served by delivering a copy of the summons to the person summoned, or to some inmate of his usual place of abode at such place of abode. Service of summons.

(4) Upon the return of the summons and upon proof of service thereof, whether the person charged appears or not, the Judge or Judges attending to hear the matters charged, or before whom the summons is returnable, shall investigate and dispose of the case in a summary manner, and shall have the same powers, jurisdiction and authority for the investigation as two Judges sitting at the trial of an election petition have for the investigation of a charge of a corrupt practice alleged in the petition to have been committed by the candidate against whom the petition is filed, and shall have authority, from time to time, and from place to place, to adjourn the hearing of the case or the giving of his or their decision. On return of summons judge to dispose of case. Authority and powers of judge.

(5) In case the person so summoned neglects or refuses to attend in pursuance of the summons, then upon proof being made of such person having been duly summoned, the Judge or Judges may either issue his or their warrant to compel the appearance of such person, or if he were personally served, or if the Judge or Judges is or are satisfied that he is aware of the summons and might have been present had he so desired, may pronounce judgment in his absence. Refusal to attend on summons.

(6) The person charged with committing the corrupt practice or other illegal act shall be allowed to make his full answer and defence and to have all witnesses examined and cross-examined by counsel. Person charged to be allowed to make full defence.

(7)

If convicted judgment to be for money penalty.

(7) If, either from the admission of the party or from the evidence adduced, the Judge or Judges is or are satisfied that the person charged has committed any corrupt practice or practices or illegal act or acts mentioned in the summons, he or they shall adjudge that the said person has committed the corrupt practice or practices, or illegal act or acts, and shall order him to pay to the person at whose instance the summons was issued, hereafter called the prosecutor, the amount of the money penalty or penalties which is or are by law assigned to the offence or offences of which he has been convicted as aforesaid, and the same shall be a bar to any other proceeding for the penalty or penalties so ordered to be paid.

Notice to person charged when present.

(8) If the person who appears to have committed such corrupt practice or illegal act, or is charged with having committed the same, is present in court, the Judge or Judges, instead of ordering him to be summoned as aforesaid, may then and there state to him the offence or offences which he appears to have committed, or is charged with having committed, and may appoint a time and place for hearing and adjudicating in respect thereof, and thereupon the same proceedings may be had as if a summons had issued in respect of the said offence or offences.

Judge may direct prosecution.

(9) Where, from the evidence given at the trial as aforesaid, there appears reason to believe some person has committed a corrupt practice or illegal act, the Judge or Judges who are trying, or have tried, the petition may direct the County Attorney, or may direct any other solicitor or counsel who is then present, to institute or carry on proceedings under this section on behalf of Her Majesty.

Judge to sentence person convicted to proper punishment in addition to money penalty.

(10) If any punishment in addition to or instead of a money penalty is by law assigned to the commission of any offence of which such person has been found guilty, the Judge or Judges shall sentence the person so found guilty to undergo such punishment and shall give all necessary directions in respect thereto, and in case imprisonment is imposed (whether with or without hard labour), the Judge or Judges may direct in what gaol or other place of confinement the person convicted shall be confined, or in default of any place being named such imprisonment shall be in the common gaol of the county or district in which the sentence is pronounced, and the sentence may be pronounced in the absence of the person convicted.

Imprisonment in default of payment of money penalty.

(11) Where a money penalty or penalties is or are imposed, the Judge or Judges, unless the prosecutor elects to recover the amount imposed by process sued out of the High Court, shall direct that in default of the amount being paid forthwith or within a time not exceeding one month, to be limited by the Judge or Judges, the person convicted shall be imprisoned for a period not exceeding one year, either with or without hard labour, in any gaol, or other place of confinement to be named by the Judge or Judges, unless the amount of the penalty or

penalties

penalties shall be sooner paid; and in default of any place being named, the imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced.

Authority of judge with respect to imprisonment.

(12) For the infliction of the imprisonment imposed, whether the imprisonment is in the first instance or is in default of payment of a penalty or penalties, the Judge or Judges shall have the like authority as a Court of Oyer and Terminer, or a Judge presiding thereat, has to give effect to the judgment of the Court, and the sheriff and gaoler shall obey all orders of the said Judge or Judges made in that behalf.

Prosecutor may recover penalty by same process as in case of an ordinary judgment.

(13) If the prosecutor elects to recover the amount imposed by process sued out of the High Court, the Judge or Judges shall make an order for payment forthwith without directing imprisonment in default, and the prosecutor may thereupon file the order or a duplicate thereof with the registrar of any of the Divisions of the High Court, and thereafter writs of execution may be issued thereon out of the High Court, and any other proceedings may be had or taken thereon, or in respect thereto, which might be had or taken upon, or in respect to, an ordinary judgment of the said High Court in the same Division.

Provision where penalty has been sued for before summons issued.

(14) In case within one month after the imposition under this section of any penalty it is made to appear that an action had been commenced for the recovery of such penalty before the issue of the summons, the Judge or either of the Judges who imposed the penalty under this Act may direct that a proportion of the amount recovered, after the full costs and disbursements of the prosecutor have been paid, shall be paid over to the plaintiff in the action, and in case the terms of the order are not obeyed the person in whose favour it was made, may, after one month from the date thereof, sue the prosecutor in any Court of competent jurisdiction for the amount to which the plaintiff is entitled, as for money received by the prosecutor for the use of the plaintiff. If, after an order has been made under this sub-section, it appears that the plaintiff in any other action is also entitled to apply hereunder, and if he so applies, the terms of the previous order may be varied as in view of such other application may seem just.

Costs.

(15) The Judge or Judges trying any charges under this section shall have power to direct by whom the costs of the prosecutor or person charged, or any part thereof, shall be paid, and where costs are payable by a person convicted, payment shall be enforced in the same manner as the payment of the penalty or penalties, and shall be included in the same order. Where costs are payable by a prosecutor, payment thereof may be enforced in the manner provided (in the case of a penalty) by sub-section 13 of this section.

Application of money penalties.

(16) All moneys received by a private prosecutor under this section shall belong one-half to the Crown and the other half to the prosecutor. R. S. O. 1887, c. 9, s. 179.

PERSONS NOT TO BE EXCUSED FROM GIVING EVIDENCE ON GROUND OF PRIVILEGE OR INCRIMINATION.

Persons not excused from answering, etc., on the ground that answers may criminate.

180. No person shall be excused from answering any question put to him in an action, or other proceeding in any Court, or before a Judge, touching or concerning an election, or the conduct of any person thereat, or in relation thereto, on the ground of privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by a person claiming to be excused on the ground of privilege, or on the ground that his answer will tend to criminate himself, shall be used in any proceeding against such person under any Act of the Legislature of Ontario, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the Judge. R. S. O. 1887, c. 9, s. 180.

OFFENCES AND PENALTIES.

Returning Officers, etc., wilfully falsifying or altering list of voters to incur penalty.

181. If a Returning Officer, Deputy Returning Officer, or other person whose duty it is to deliver poll books or have the custody of a certified list of voters or poll book wilfully makes any alteration, omission or insertion, or in any way wilfully falsifies such certified list or poll book, every such person shall incur a penalty of $2,000. R. S. O. 1887, c. 9, s. 181.

Offences.

182.—(1) No person shall

(*a*) Fraudulently deface or fraudulently destroy any ballot paper;

(*b*) Without due authority supply any ballot paper to any person; or

(*c*) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(*d*) Fraudulently take out of the polling place any ballot paper; or

(*e*) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

Attempts.

(2) No person shall attempt to commit any offence specified in this section.

Penalty.

(3) Every person guilty of any violation of this section shall be liable, if he is a Returning Officer, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. 1887, c. 9, s. 182.

183.—(1).

183.—(1) If any person unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, a writ of election, or any return to a writ of election, or any poll book, voters' list, certificate or affidavit, or other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, he shall incur a penalty of $2,000. Persons unlawfully destroying etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of any violation of this Act, as in this section mentioned, shall incur a penalty of $2,000. R. S. O. 1887, c. 9, s. 183. Abettors punishable as principals.

184. Every Deputy Returning Officer or Poll Clerk who refuses or neglects to perform any of the obligations or formalities required of him by sections 114 and 115 of this Act, shall, for each refusal or neglect, incur a penalty of $200. R. S. O. 1887, c. 9, s. 184. Deputy returning officer or poll clerk neglecting duties.

185. Where there is no voters' list, in case a Deputy Returning Officer rejects the vote of a person entitled to vote, if his rejecting the vote was in good faith and from believing, and having reasonable grounds for believing, that such person was not entitled to vote, the Deputy Returning Officer shall not be subject to any penalty. R. S. O. 1887, c. 9, s. 185. Deputy Returning Officer rejecting vote in good faith.

186. Every officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of $400. R. S. O. 1887, c. 9, s. 186. Money penalty for offences.

187. Subject to the provisions of sections 178 and 179 :

1. All penalties imposed by this Act shall be recoverable with full costs of action, by any one who sues for the same in any of Her Majesty's Courts in this Province having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by the Court, the offender shall be imprisoned in the common gaol of the place until he has paid the amount which he has been so condemned to pay and the costs. How penalties under Act recoverable, and payment enforced.

2. It shall be sufficient for the plaintiff, in any such action, to state in the statement of claim that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action is brought, and that the defendant had acted contrary to this Act, without mentioning the writ of election or the return thereof. Statement of plaintiff's claim.

3.

Limitation of actions.

3. Every such action, shall be commenced within the space of one year next after the act committed, and not afterwards, and shall be tried by a Judge without a jury.

Writ, etc., need not be produced at trial.

4. It shall not be necessary on the trial of any action or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the Returning Officer founded upon the writ of election, but general evidence of such facts shall be sufficient evidence. R. S. O. 1887, c. 9, s. 187.

Security for costs.

188. In an action for a penalty under this Act the plaintiff shall give security for the costs of the action if so required on behalf of the defendant. R. S. O. 1887, c. 9, s. 188.

ELECTION EXPENSES OF CANDIDATES.

Payments, etc., by or on behalf of candidates except through named agents forbidden.

189. No payment (except in respect of the personal expenses of a candidate), and no advance, loan or deposit for the purposes of the election, shall be made by or on behalf of a candidate at an election, before, or during, or after the election, otherwise than through an agent or agents whose name and address, or names and addresses, has or have been declared in writing to the Returning Officer on or before the day of nomination; or through an agent or agents to be appointed in his or their place as herein provided; and no person shall make any such payment, advance, loan or deposit for the purposes of the election, otherwise than through such agent or agents. R. S. O. 1887, c. 9, s. 189.

On death or incapacity of an agent, appointment of another.

190. In event of the death or legal incapacity of any agent appointed in pursuance of the preceding section, the candidate shall forthwith appoint another agent in his place, by giving notice to the Returning Officer of the name and address of the person so appointed, which shall in like manner be forthwith published by the Returning Officer at the expense of the candidate. R. S. O. 1887, c. 9, s. 190.

Claims on candidate in respect of any election, when to be sent in to agent.

191.—(1) All persons who have any bills, charges or claims upon a candidate for or in respect of an election, shall send in such bills, charges or claims, within one month from the day of the declaration of the election, to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims and every or any part thereof.

Case of death of person making claim.

(2) In case of the death within the said month of any person claiming the amount of such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim, within one month after obtaining probate, or letters of administration, as the case may be, or the right to recover such claim shall be barred as aforesaid.

Case of death of agent.

(3) Such bills, charges and claims shall be sent in and delivered to the candidate, if, and so long as, during the said month, there is, owing to death or legal incapacity, no agent.

(4) The agent shall not pay nor allow any bill, charge or claim without the authority of the candidate, as well as the approval of the agent. R. S. O. 1887, c. 9, s. 191. Agent not to pay without authority of candidate.

191*a*. Notwithstanding anything in the next preceding section contained, lawful election accounts which would have been payable if sent in within one month of the day of the declaration, may be paid by the candidate through his election agent, after that time if such account is approved by one of the Judges of the High Court or by the County Court Judge (or one of the county court judges), of the county in which the election took place, and the Judge makes an order to that effect, and not otherwise. All sums allowed by a Judge shall, within one week thereafter be advertised in the same newspapers as the other election accounts. 54 V. c. 5, s. 3. Payment of lawful accounts rendered after one month from election.

192. A detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within two months after the election (or in cases where, by reason of the death of the creditor, no bill has been sent in within such period of two months, then within one month after such bill has been sent in), be made out and signed by the agent, or, if there be more than one, by every agent who has paid the same (including the candidate in case of payments made by him), and delivered, with the bills and vouchers relative thereto, to the Returning Officer; A detailed statement of election expenses, etc., to be sent by agent to Returning Officers, who shall publish same.

The Returning Officer for the time being shall, at the expense of the candidate, within fourteen days, insert or cause to be inserted an abstract of the statement, with the signature of the agent thereto, in some newspaper published or circulating in the Electoral District where the election was held;

Any agent or candidate who makes default in delivering to the Returning Officer the statement required by this section, shall incur a penalty not exceeding $25 for every day during which he so makes default; and no agent or candidate shall wilfully furnish to the Returning Officer an untrue statement. R. S. O. 1887, c. 9, s. 192.

193. The Returning Officer shall preserve all such bills and vouchers, and shall during six months after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. R. S. O. 1887, c. 9, s. 193. Penalty.

FEES AND EXPENSES OF RETURNING OFFICERS, ETC.

194. The fees in Schedule B to this Act mentioned, in respect of the several matters therein contained, and no others, shall be allowed to the several officers therein mentioned respectively, for the services and disbursements in the said schedule specified. R. S. O. 1887, c. 9, s. 194. Returning Officer to preserve bills, etc., and allow inspection.

195.

Tariff of fees.

195. The said fees, allowances and disbursements, together with the reasonable expenses incurred by the Returning Officer, and by the other officers and clerks, for printing, providing polling compartments, transmission of the packets required by this Act to be transmitted, and reasonable fees and allowances for other services rendered under this Act, shall be paid over to the Returning Officer, by warrant of the Lieutenant-Governor, directed to the Treasurer of the Province, out of the Consolidated Revenue Fund of the Province, and shall be distributed by the Returning Officer to the several officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Lieutenant-Governor through the Provincial Secretary. R. S. O. 1887, c. 9, s. 195.

Payment of fees and expenses.

Algoma, Muskoka, Nipissing and Parry Sound.

196. The Lieutenant-Governor may direct the payment to the Returning Officers of the Electoral Districts of Algoma West, Algoma East, Muskoka, Nipissing and Parry Sound, out of the Consolidated Revenue Fund, of such sums (over and above the allowance authorized by the preceding sections of this Act), as may be required to pay the expenses reasonably incurred by the Returning Officers, and by the other officers and clerks, in conducting the election, and reasonable fees and allowances for any extraordinary services rendered by them thereat. R.S.O. 1887, c. 9, s. 196.

MISCELLANEOUS PROVISIONS.

Clerk of Legislative Assembly to be *ex-officio* Clerk of the Crown in Chancery.

197. The Clerk of the Legislative Assembly shall be *ex officio* Clerk of the Crown in Chancery, and shall be entitled as Clerk of the Legislative Assembly, to discharge all the duties which by any Statute, law, or usage ought to be done or have heretofore been done, by the Clerk of the Crown in Chancery. R. S. O. 1887, c. 9, s. 197.

Property in ballot boxes, papers, etc., to be in Her Majesty.

198. The property in the ballot boxes, ballot papers, counterfoils, and marking instruments procured for or used at an election, shall be in Her Majesty. R. S. O. 1887, c. 9, s. 198.

Certain persons disqualified from acting as agents. Penalty.

199. No person who, by section 4 of this Act, is disqualified and incompetent to vote, shall act as agent for a candidate at an election; and any person violating this enactment shall be subject to the same penalty as if he had voted at the said election. R. S. O. 1887, c. 9, s. 199.

Candidates may undertake duties of agent.

200. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend. R. S. O. 1887, c. 9, s. 200.

Elector may act as agent of candidate.

201. At an election, whether on the day of the opening, or at the polling places opened and kept for the election, in the absence of any person authorized in writing to act as agent for an absent candidate, any elector in the interest of such candidate may, at any time during the election, declare himself to be and may act as the agent of such candidate without producing a special authority in writing for that purpose. R. S. O. 1887, c. 9, s, 201.

Expressions referring to agents.

Non-attendance of agents.

202. Where in this Act expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended at the time and place where such act or thing is being done; and the non-attendance of any agent or agents at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done. R. S. O. 1887, c. 9, s. 202.

Provision when election or polling not commenced or interrupted by reason of riot etc.

203. In case, by reason of riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer or Deputy Returning Officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates is given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R. S. O. 1887, c 9, s. 203.

Non-juridical days.

204. In reckoning any period of time limited by any section of this Act, except sections 24, 29, 35, 36 and 37, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving, shall be excluded; and where anything is required by any section of this Act to be done on a day which falls on any of such days, such thing may be done on the next juridical day. R.S.O. 1887, c. 9 s. 204.

Election not to be void in certain cases for want of compliance with directions of Act, where result not affected.

205. No election shall be declared invalid by reason of any irregularity in any of the proceedings preliminary to the polling or by reason of a failure to hold a poll at any place appointed for holding a poll, or by reason of a non-compliance with the directions contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the Forms contained in Schedule A to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted

ducted in accordance with the principles laid down in this Act, and that such failure, non-compliance or mistake did not affect the result of the election. R. S. O. 1887, c. 9, s. 205.

[*R. S. O., c. 9, s. 206 is inserted as Section 104a*].

Administration of oaths, etc.

207. The Returning Officer shall have power to administer any of the oaths, affirmations, or take any of the declarations required with respect to the election; and any Deputy Returning Officer or Election Clerk may administer such oaths, affirmations, or take such declarations, except in cases where they are required to be administered to the Returning Officer. R. S. O. 1887, c. 9, s. 207.

No charge for oaths, etc.

208. Every person before whom it is hereby required that an oath be taken, or an affirmation made in the manner herein provided, shall administer such oath or affirmation gratuitously. R. S. O. 1887, c. 9, s. 208.

Transmission to Returning Officers of copies of this Act.

209. There shall be transmitted to every Returning Officer with the writ of election, such a number of copies of this Act, and of any Acts amending the same, as will be sufficient to supply the Returning Officer and each of his Deputies at the election with one copy at least; and every copy shall be accompanied with a copious alphabetical index. R. S. O. 1887, c. 9, s. 209.

Repeal of inconsistent provisions.

210. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

[*As to Inquiries into matters connected with elections and attempts to corrupt members of the Legislative Assembly, see R.S.O. 1887, cap. 17.*]

SCHEDULE A.

FORM 1.

(*Referred to in Section* 29.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACE FIXED FOR THE OPENING OF THE ELECTION, AND ALSO THE DAY FOR OPENING THE POLL.

PROCLAMATION.

County (Riding, City, Town *or other Electoral District, as the case may be*) of , to wit:

Public Notice is hereby given to the Electors of the County (*or as the case may be*) of that in obedience to Her Majesty's Writ to me directed, and bearing date the day of the month of , I require the presence of the said Electors at.

at , in the County (*or* Township, *or* City *or* Town) of (*here describe the place distinctly, whether the election be for a County, or for any other Electoral District*) on the day of the month of , at o'clock in the noon, for the purpose of electing a person (*or* persons, *as the case may be*) to represent them in the Legislative Assembly of this Province ; and that in case a poll be demanded and allowed in the manner by law prescribed, such poll will be opened on the day of the month of , in the year , in each of the Townships, Wards, or Polling Subdivisions in which a polling place is to be opened and kept according to law, of which due notice will be given on the Day of Nomination. Of all which every person is hereby required to take notice, and to govern himself accordingly.

Given under my hand at , this day of the month of , in the year 18 .

(*Signature*) *A. B.*
Returning Officer.

R. S. O. 1887, c. 9, Form 1.

Form 2.

(*Referred to in Section* 41.)

OATH OF THE RETURNING OFFICER.

I, the undersigned *A. B* , Returning Officer for the County (*or* Riding *or as the case may be*) of solemnly swear (*or if he be one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said County (*or* Riding, *as the case may be*) of and that I will act faithfully in that capacity, without partiality, fear, favour or affection : So help me God.

(*Signature*) *A. B.*,
Returning Officer.

R. S. O. 1887, c. 9, Form 2.

Form 3.

(*Referred to in Section* 42.)

COMMISSION OF AN ELECTION CLERK.

To *E. F.* (*set forth his legal addition and residence.*)

Know you, that in my capacity of Returning Officer for the County (*or as the case may be*) of , I have appointed and do hereby appoint you to be my Election Clerk, to act in that capacity according

cording to law at the approaching election for the said County (*or as the case may be*) of which election will be opened by me on the day of the month of , 18 .

Given under my hand this day of the month of , in the year 18 .

(*Signature*) *A. B.*,
Returning Officer.

R. S. O. 1887, c. 9, Form 4.

FORM 4.

(*Referred to in Section* 43.)

OATH OF THE ELECTION CLERK.

I, the undersigned *E. F.*, appointed Election Clerk for the County (*or as the case may be*) of , solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection : So help me God.

(*Signature*) *E. F.*,
Election Clerk.

R. S. O. 1887, c. 9, Form 5.

FORM 5.

(*Referred to in Section* 47.)

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE TO BE READ AT THE HUSTINGS, ON THE DAY OF THE OPENING OF THE ELECTION.

OYEZ, OYEZ, OYEZ.

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided.

R. S. O. 1887, c. 9, Form 7.

Form

Form 6.

(See Section 27a.)

FORM IN WHICH THE BLANK VOTERS' LIST IN THE POLL BOOK TO BE FURNISHED BY THE CLERK OF THE CROWN IN CHANCERY TO RETURNING OFFICERS IS TO BE PREPARED.

Number prefixed.	NAMES OF VOTERS.	Place of Residence.	If Voter is an Unenfranchised Indian shew property qualification.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	Column for marks indicating that Voter has offered to vote.	REMARKS.

NOTE.—*The Numbers directed by section 79 of this Act to be prefixed by the Deputy Returning Officer to the names in the Voters' List are to be placed in the first column.*

FORM 7.

(Referred to in Section 58.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To *G. H. (Insert his residence and legal addition.)*

Know you that, in my capacity of Returning Officer for the Electoral District of , I have appointed and do hereby appoint you to be Deputy Returning Officer for the Polling Subdivision of the Township *(or as the case may be)* of in the said Electoral District, there to take the votes of the electors according to law, at the polling place to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll of such election for the said Polling Subdivision of the said Township *(or as the case may be)* of on the day of A. D. 18 , at nine o'clock in the forenoon, at *(here describe particularly the place in which the poll is to be held)*, and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and to return to me on or before the day of A. D. 18 , together with this commission, the several packets and documents required to be returned to me in the manner prescribed by sections 110, 111, and 112 of *The Ontario Election Act.*

Given under my hand at the of in the County *(or as the case may be)* of this day of A. D. 18 .

(Signed) *A. B.*,
Returning Officer.

R. S. O. 1887, c. 9, Form 9.

FORM 8.

(Referred to in Section 59.)

OATH OF DEPUTY RETURNING OFFICER.

I, the undersigned *G. H.*, appointed Deputy Returning Officer for the Polling Subdivision of the Township *(or as the case may be)* of , in the County *(or as the case may be)* of , solemnly swear *(or, being one of the persons permitted by law to affirm in civil cases,* solemnly affirm) that I will act faithfully, in my said capacity of Deputy Returning Officer, without partiality, fear, favour or affection: So help me God.

(Signature) *G. H.*,
Deputy Returning Officer.

R. S. O. 1887, c. 9, Form 10.

FORM 9.

(Referred to in Section 70 (1) (a).)

Certificate of Clerk of Municipality shewing date fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the County Judge under section 13 of *The Voters' Lists Act:*

Election to the Legislative Assembly
for the Electoral District of
clerk of the Municipality of
in the County of

do hereby certify that the time fixed for the assessor to begin to make the assessment roll on which the voters' list proper to be used for the purposes of the election is based, was the day of 189 , and that

that the last day on which a complaint could be made to the County Judge under section 13 of *The Voters' Lists Act* in respect of any error or omission in the said voters' list, was the day of 189 .

Dated this day of 189 .

(Signed) *Clerk.*

Form 10.

(*Referred to in Section* 70 (1) (*b*).)

CERTIFICATE OF CLERK AS TO DATES OF RETURN AND FINAL REVISION OF THE ASSESSMENT ROLL.

Election to the Legislative Assembly for the Electoral District of

18

I, *A. B.*, Clerk of the Municipality of , in the County of , do hereby certify that the Assessment Roll for this Township *(or as the case may be)*, of upon which the Voters' List to be used at this election is based, was returned to me by the Assessor for said Township *(or as the case may be)*, on the day of 18 , and that the same was finally revised and corrected on the day of 18 .

Dated this day of 18 . *A. B.*, *Clerk.*

R. S. O. 1887, c. 9, Form 14.

Form 11.

(*Referred to in Section* 63.)

FORM OF BALLOT PAPER. (*Front.*)

Election for the County of (*or as the case may be*)	1	DOE. (John Doe, Township of Southwold, County of Elgin, Yeoman.)
Counterfoil, No.	2	ROE. (Richard Roe, of Town of Goderich, County of Huron, Merchant.)
No. on Voters' List in Poll Book.	3	STILES. (Geoffrey Stiles, of 52 Talbot Street, London, Physician.)
Note—The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	4	STILES. (John Stiles, of 31 Grosvenor Street, Toronto, Barrister-at-Law.

(*Back.*)

No.

Election for the County of (*or as the case may be*).

18 .

NOTE.—*Nothing else is to be printed on the back of the Ballot Paper.*

R. S. O. 1887, c. 9, Form 12.

FORM

FORM 12.

(Referred to in Sections 68 and 98.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter is to vote for one candidate. (1)

The voter is to go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side, opposite the name of the candidate for whom he votes, thus X.

The voter is then to fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer signed on the back, and leaving the compartment shall, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer, and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more than one candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

(1) *In contested elections for the Electoral District of the City of Toronto where there are more vacancies than one the voter may vote for two candidates but no more.*

In the following form of Ballot Paper given for illustration, the Candidates are JOHN DOE, RICHARD ROE, GEOFFREY STILES, *and* JOHN STILES, *and the voter has marked his ballot paper in favour of* RICHARD ROE.

1	DOE. (John Doe, Township of Southwold, County of Elgin, Yeoman.)	
2	ROE. (Richard Roe, of Town of Goderich, County of Huron, Merchant.)	X
3	STILES. (Geoffrey Stiles, of 52 Talbot Street, London, Physician.)	
4	STILES. (John Stiles, of 31 Grosvenor Street, Toronto, Barrister-at-Law.)	

R. S. O. 1887, c. 9, Form 13.

FORM

FORM 13.

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

(*Referred to in Section 26a.*)

It is the sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has voted ; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil ; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction before a stipendiary magistrate or before two justices of the peace, to imprisonment with hard labour for six months.

By section 182 of *The Ontario Election Act*, it is further provided, among other things, that no person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the election, or shall attempt to do so ; and that any person guilty of any violation of this section shall be liable, if he is the returning officer, to imprisonment for two years, with hard labour, and if he is any other person, to imprisonment for six months, with hard labour.

Section 186 provides that, in addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of $400.

This notice is placarded by order of the Legislature.

CHARLES CLARKE *(as the case may be)*
Clerk of the Crown in Chancery.

53 V. c. 3, Form A.

FORM 14.

(*Referred to in Sections 80, 83 and 84.*)

COMMISSION OF A POLL CLERK.

To *I. J.* (*Insert his legal addition and residence.*)

Know you, that in my capacity of Deputy Returning Officer for the Polling Subdivision of the Township (*or as the case may be*) of , in the County (*or as the case may be*) of , I have appointed and do hereby appoint you to be Poll Clerk for the said Polling Subdivision of the said Township (*or as the case may be*) of

Given under my hand, at this day of the month of , in the year 18 .

(*Signature.*) *G. H.*,
Deputy Returning Officer.

R. S. O. 1887, c. 9, Form 15.

FORM

FORM 15.

(*Referred to in Section 80.*)

OATH OF A POLL CLERK.

I, the undersigned, *I. J.*, appointed Poll Clerk for the Polling Subdivision of the Township (*or as the case may be*) of , in the County (*or as the case may be*) of , do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection : So help me God.

(*Signature*) *I. J.*,
Poll Clerk.

R. S. O. 1887, c. 9, Form 16.

FORM 16.

(*Referred to in Section 91.*)

FORM OF OATH IN ORDINARY CASES TO BE ADMINISTERED AT AN ELECTION TO A VOTER BY VIRTUE OF MANHOOD SUFFRAGE.

(1) You swear (1) That you are the person named or intended to be named by the name of in the list of voters now shown to you in the poll book.

(2) That you are a British subject, by birth or naturalization.

(3) That you have resided within this Province for nine months before the (2) day of , being the day fixed by statute or by by-law authorized by statute for beginning to make the assessment roll in which you were entitled to be entered as a person qualified to vote.

(4) That you were at the date aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered ; that you have resided in this electoral district continuously from the said date (3), and that you are now actually residing and domiciled therein.

[[or] (3) That you have resided within this Province for twelve months before the (2) day of , being the day up to which complaint could be made to the County Judge under *The Voters Lists Act* to insert the name of any person in the list.

(4) That you were at the time aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered ; that you have resided in this electoral district continuously from the said date (3), and that you are now actually residing and domiciled therein.]

(5) That you are entitled to vote at this election and in this municipality.

(6) That you are of the full age of 21 years.

(7) That you have not voted before at this election, either at this or any other polling place ;

(8) That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

(9)

(9) And that you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

So help you God.

Note.—(1) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(2) The date to be inserted is at the choice of the elector to be either the date fixed by law for the assessor to begin to make the assessment roll or the last day for making a complaint to the county judge under section 13 of *The Voters' List Act.* (*See copy of certificate of clerk, form 3 in the poll book and form 9 in schedule.*

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following "except occasionally or temporarily, in the prosecution of your occupation as (*mentioning as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)"

Form 17.

(*Referred to in Section 91*).

FORM OF OATH OF UNENFRANCHISED INDIAN VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE WHERE THERE IS A VOTERS' LIST.

You swear (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you in the poll book ; (2) That on the [(3) and (4)] day of 18 , you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right or in the right of your wife of the real estate in respect of which your name is as aforesaid entered on the said list of voters in the poll book, and are as such entitled to vote at this election.

That you do not participate in the annuities, interest moneys or rents of any tribe, band or body of Indians, and do not reside among Indians or on an Indian reserve.

That you are actually and in good faith a resident of and domiciled within this electoral district ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And

And that you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

---

(1) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(2) The Deputy-Returning Officer should hereupon shew the voters' list in the poll book to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list in the poll book is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

(4) In cases in unorganized territory where there is a voters' list, but no assessment roll, the date to be inserted is the day on which the "Voters' List" was certified by the District or County Judge or Stipendiary Magistrate.

Note.—Where there is neither an assessment roll nor voters' list, unenfranchised Indians are subject to the same property qualifications, and will take the same oaths as other persons. (Forms 20 and 21.)

FORM 18.

(Referred to in Section 106 (6).)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOT PAPERS.

COUNTED.		
(1) Ballot papers counted for Mr	.....	.....
" " " Mr	.....	.....
" " " Mr	.....	.....
" " " Mr	.....	.....
REJECTED.		
(2) (*a*) Number of papers rejected as wanting signature or initials of Deputy Returning Officer	.....	.....
(*b*) Number of papers rejected as voting for more candidates than entitled to	.....	.....
(*c*) Number of papers rejected as having a writing or mark by which they could be identified	.....	.....
(*d*) Number of papers rejected as unmarked or void for uncertainty	.....	.....
Total number of persons voting	.....	.....

(Signed) .....
Deputy Returning Officer.

(Signed) .....
Poll Clerk.

Dated this day of A.D., 189 .

FORM

Form 19.

(Referred to in Section 112.)

BALLOT PAPER ACCOUNT.

	Received from Returning Officer.				
Ordinary Ballot Papers					
Tendered Ballot Papers					
	Manner in which Ballot Papers dea t with.				
(1)	Number Counted	Packets A and B			
(2)	" Rejected	Packet C			
(3)	" Unused	Packet D			
(4)	" Spoiled	Packet E			
(5)	" Tendered Ballot Papers	Packet F			
(6)	" Ballot Papers given to Voters who afterwards returned the same declining to vote	Packet G			
(7)	" Declaration of "inability to read" and "physi incapacity" and all certificates received by Deputy-Returning Officer	Packet H			
(8)	" Ballot Papers taken from the polling place				

Signed) .....
Deputy Returning Officer.

Dated this day of A.D., 189 .

NOTE.—The several "Packets" mentioned above are those referred to in section 110 of this Act.

Form 20.

(Referred to in Section 92.)

FORM OF THE OATH TO BE TAKEN BY VOTERS IN ALGOMA, MUSKOKA NIPISSING AND PARRY SOUND, WHERE THERE IS NO ASSESSMENT ROLL OR VOTERS' LIST.

Resident Owner's Oath.

You *swear* (1) that you are *A. B.* (2); and that you have not voted before at this election, either at this or any other polling place;

That you are actually, truly, and in good faith, possessed to your own use, as owner, of the land in respect of which your name has now on your information been entered on the Deputy Returning Officer's list; that you have been such owner of the said property for the six months next preceding this election; that the said land has been patented, and is of the value of at least $200;

That you are now, and have been continuously for six months immediately preceding this date, actually, truly, and in good faith a resident within the territory included in this Electoral District;

That you are entitled to vote at this election in respect of the said property;

That this, to the best of your belief, is the polling place nearest to the said property;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or by naturalization;

That

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, to induce him either to vote or to refrain from voting at this election:

So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "*swear* substitute "*solemnly affirm.*"

(2) Insert here the name of the voter.

R. S. O. 1887, c. 9, Form 23.

FORM 21.

(*Referred to in Section* 92.)

RESIDENT HOUSEHOLDER'S OATH.

You *swear* (1) That you are *A. B.* (2), and that you have not voted before at this election, either at this or any other polling place;

That you are actually, truly, and in good faith, a resident householder in the said district, in respect of the property which has now on your information been entered on the Deputy Returning Officer's lists as the property on which you vote;

That you are owner, (tenant *or* occupant *as the case may be*), of the said property and not a mere lodger or boarder in the house;

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident householder of this Electoral District; (*or* of the territory included in this Electoral District *as the case may be*);

That you are entitled to vote at this election in respect of the said property;

That this, to the best of your belief, is the polling place nearest to the said property;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or by naturalization;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person to induce him either to vote or to refrain from voting at this election:

So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "*swear*" substitute "*solemnly affirm.*"

(2) Insert here the name of the voter.

54 V. c. 5, s. 5, Sched.

FORM 22.

(*Referred to in Section* 101.)

FORM OF DECLARATION OF INABILITY TO READ.

I, *A. B.*, of , being numbered on the voters list for Polling Subdivision No. , in the Electoral District of , do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a ballot paper, (*as the case may be.*)

A. B. (His × mark.)

The day of , A. D. 18

R. S. O. 1887, c. 9, Form 26.

FORM

Form 23.

(*Referred to in Section* 101.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, the undersigned, being the Deputy Returning Officer for Polling Subdivision No. for the Electoral District of do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above named *A. B.*, was signed by him in my presence with his mark.

(*Signed*) *C. D.*,
Deputy Returning Officer for Polling Subdivision No , in the Electoral District of .

Dated this day of , A. D. 18 .

R. S. O. 1887, c. 9, Form 27.

Form 24.

(*Referred to in Section* 103.)

FORM OF OATH OF VOTER WHOSE NAME IS NOT ON THE VOTERS' LIST.

You swear (*or* solemnly affirm) that you believe that your name ought to have been entered upon the voters' list to be used for the Polling Subdivision of the Township (*or as the case may be*) of in the Electoral District of , at the present election, and that your name has been improperly omitted from such voters' list.

(*Add the statements necessary for voter's oath in other cases.*)

R. S. O. 1887, c. 9, Form 28.

Form 25.

(*Referred to in Sections* 110 *and* 114.)

OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, the undersigned, Deputy Returning Officer for the Polling Subdivision of the Township (*or as the case may be*), of in the Electoral District of , do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said Polling Subdivision of the said was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

I further solemnly swear that my examination of the ballot papers after the closing of the polling to ascertain that they were the ballot papers which I had supplied, was made and completed before opening the ballot papers in order to count the same, and that in making this examination I looked at the backs only and so far only as was necessary for the said purpose, and without opening any ballot paper, or seeing, or permitting any one to see the front thereof.

And

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper.

I further solemnly swear that I have not by any means whatever attempted to ascertain for whom any person at this election voted; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.

I further solemnly swear that I have not communicated and will not hereafter communicate to any person directly or indirectly any information as to how any voter voted or any information which might or may enable or assist any person to ascertain how any person has voted. And lastly, that the within statement of the poll and ballot paper account are correct in every particular to the best of my knowledge and belief.

(*Signed*) *C. D.*,
Deputy-Returning Officer.

Sworn and subscribed before me at , this day of , A.D. 18 .

(*Signed*) *X. Y.*,
Justice of the Peace.
Or *A. B.*,
Returning Officer.
Or *C. D.*,
Election Clerk.

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

53 V. c. 3, Form C.

FORM 26.

OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL.

[(*Referred to in Sections* 110 *and* 115.)

I, the undersigned, Poll Clerk for the Polling Subdivision of , in the Electoral District of , do solemnly swear that the annexed voters' list used in and for the said Polling Subdivision of the said under the direction of , who has acted as Deputy Returning Officer for such Polling Subdivision, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain for whom any voter at this election voted.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person directly or indirectly any information as to the candidate for whom any vote has been or shall be given, or any

information

information which may enable any person to ascertain how any person has voted. And lastly, that the within statement of the poll is correct in every particular to the best of my knowledge and belief.

(*Signed*) *E. F.*,
Poll Clerk,

Sworn and subscribed before me at this day of , A.D. 18 .

(*Signed*) *X. Y.*,
Justice of the Peace, (*or*, Deputy Returning Officer,) (*or as the case may be*).

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

53 V. c. 3, Form D.

FORM 27.

(*Referred to in Section* 149.)

OATH OF SECRECY.

I, the undersigned,
solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall have voted at the election save and except what may be necessary and proper in the case of blind persons or persons unable to read, or incapable of marking their ballot papers as provided in the 101st section of *The Ontario Election Act*.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.

So help me God.

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

53 V. c. 3, Form B.

FORM 28.

(*Referred to in Section* 111.)

OATH BY MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER PACKETS TO THE RETURNING OFFICER.

I, solemnly swear that I am the person to whom
Deputy Returning Officer for the Polling Division of the
of in the Electoral District of
delivered the election packets for the said Polling Division, to be delivered to , Returning Officer for the said Electoral District, in consequence of the said Deputy being unable through illness or some other cause to deliver the same personally to the Returning Officer; that the packets which I have delivered to the said Returning Officer this day are all the packets I so received; that I have not opened any of them, and that they have not been opened by any other person since I received them from the said Deputy Returning Officer.

So help me God.

Sworn and subscribed, etc.

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

54 V. c. 3, Form E.

FORM

FORM 29.

(*Referred to in Section* 128*a*.)

OATH TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING HIS RETURN TO THE CLERK OF THE CROWN IN CHANCERY.

I, Returning Officer for the Electoral Division of swear that, of the packets received by me as such Returning Officer from the Deputy Returning Officers in respect of the recent election of a member of the Legislative Assembly for the said Electoral Division, I have not opened or permitted to be opened, any of the packets containing the ballot papers or the counterfoils; that I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a Returning Officer by and under the 117th section of the *Ontario Election Act;* and that none of the other packets were opened by any person since they were returned to me by the Deputy Returning Officers. (*Or, in case of there having been a recount by the County Judge, add*, except by the county judge on a recounting of the votes by the said judge.)

I further swear that I have not attempted to ascertain, and have not ascertained, from the ballot papers or other contents of any of the said packets, how any person voted.

I further swear that I have this day and before swearing to this oath, transmitted to the clerk of the Crown in Chancery my return with respect to the said election, as required by law.

So help me God.

Sworn and subscribed, etc.

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

53 V. c. 3, Form F.

SCHEDULE B.

FEES OF RETURNING OFFICERS, ETC.

(*Referred to in Section* 194.)

Returning Officers—Rural Electoral Districts.

1. Drawing Proclamation..... *one dollar.*

2. Paid printing fifty copies.....*actual cost.*

3. Mileage on posting same, for each mile necessarily travelled from place to place, to be taxed as Sheriff's mileage on summoning jurors.....*ten cents per mile.*

4. Holding election and making return (if no contest), including appointment and swearing of Election Clerk .....*ten dollars.*

5.

5. Election Clerk, one day.....*two dollars.*

6. Two constables, one day (each) .....*one dollar.*

And the following additional charges in contested cases.

7. Appointing Deputies, and swearing them (each).....*fifty cents.*

8. Furnishing copies of voters' lists, when necessary .....*as allowed by* 52 V. c. 3, s. 42.

9. Mileage to deliver same to Deputies, when necessary; only one mileage for both, to be taxed as above, per mile .....*ten cents.*

10. Making up and transmitting returns to the Clerk of the Crown in Chancery (including duplicates to each candidate, and all other necessary services connected therewith).....*ten dollars.*

11. For services under sections 125 and 126, such amount as the Lieutenant-Governor may think reasonable under the circumstances of the case.

12. Postage.....*amount actually paid out.*

13. Pay of Election Clerk, one day.....*two dollars.*

14. Mileage of Returning Officer, and Election Clerk, going to and returning from the election on nomination day (each).....*ten cents. for every mile necessarily travelled.*

Deputy Returning Officers.

15. Taking the polls, including all the services connected therewith, and making returns.....*four dollars.*

16. Paid Poll Clerk, one day.....*two dollars.*

17. And one constable, one day .....*one dollar.*

18. For each polling booth, *actual cost, not exceeding four dollars*, to be paid by the Township Treasurer, on the order of the Deputy Returning Officer, unless the Township Council provide suitable polling places at their own expense.

In Cities and Towns.

19. To Returning Officers, in cities and towns, holding election and making returns, when no contest (exclusive of actual charge for printing) .....*ten dollars.*

20. When election contested (exclusive of actual charge for printing)..... .....*twenty dollars.*

21. To Deputy Returning Officers, Election clerks, Poll Clerks and Constables, the same charge as at rural elections; and the like charge paid in the same manner, for polling booths, as in rural polling places.

R. S. O. 1887, c. 9, Sched. B.

CHAPTER

CHAPTER 4.

An Act respecting the Appointment of a Commissioner to the Columbian Exposition.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of member of Legislative Assembly as commissioner.

1. Notwithstanding anything contained in the *Act respecting the Legislative Assembly* it shall be lawful for the Lieutenant-Governor in Council to appoint any member of the Legislative Assembly as commissioner to represent the Province of Ontario at the World's Fair or Columbian Exposition to be holden at the city of Chicago, in the State of Illinois, in the year 1893, and to direct the payment to the said commissioner for his services of such reasonable sum as may be determined by the Lieutenant-Governor in Council out of any moneys which may be voted by the Legislative Assembly for that purpose and the said commissioner shall not by reason of such appointment or remuneration, or the acceptance thereof, avoid his election or vacate or forfeit his seat, or incur any of the penalties imposed by the said Act for sitting and voting thereafter as a member of the Legislative Assembly.

CHAPTER 5.

An Act to amend The Act respecting the Office of Sheriff.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 16, s. 35, amended.

1. Section 35 of the *Act respecting the Office of Sheriff* is amended by adding thereto the following sub-section:—

Office hours of Sheriffs of Toronto and York on Saturday.

(2) Provided that the sheriffs of the city of Toronto and the county of York, or their respective deputies or clerks, shall be required to be present in their offices for the transaction of business on Saturdays, from the hour of ten o'clock in the forenoon until one o'clock in the afternoon, and no longer.

CHAPTER

CHAPTER 6.

An Act to provide for the payment of Succession Duties in certain cases.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS this Province expends very large sums annually for asylums for the insane and idiots, and for institutions for the blind and for deaf mutes, and towards the support of hospitals and other charities, and it is expedient to provide a fund for defraying part of the said expenditure by a succession duty on certain estates of persons dying as hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title and commencement of Act.

1. This Act may be cited as "*The Succession Duty Act, 1892*," and shall go into effect as respects the estates of persons dying on or after the 1st July next.

"Property," meaning of.

2. The word "Property" in this Act includes real and personal property of every description, and every estate or interest therein capable of being devised or bequeathed by will or of passing on the death of the owner to his heirs or personal representatives.

3. This Act shall not apply:—

Where Act shall not apply.

(1) To any estate the value of which, after payment of all debts and expenses of administration, does not exceed $10,000; nor

(2) To property given, devised or bequeathed for religious charitable or educational purposes; nor

(3) To property passing under a will, intestacy or otherwise, to or for the use of the father, mother, husband, wife, child, grandchild, daughter-in-law, or son-in-law of the deceased, where the aggregate value of the property of the deceased does not exceed $100,000 in value.

Property passing on death of owner to be liable to succession duty.

4. Save as aforesaid all property situate within this Province, where the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or had been so domiciled in Ontario within five years previous thereto —passing either by will or intestacy, or any interest therein or income therefrom which shall be voluntarily transferred by deed, grant, or gift made in contemplation of the death of the grantor or bargainor, or made or intended to take effect, in possession or enjoyment after such death, to any person in trust or otherwise, or by reason whereof any person

shall become beneficially entitled in possession, or expectancy, to any property, or the income thereof, shall be subject to a succession duty to be paid for the use of the Province over and above the fees provided by *The Surrogate Courts Act.*

Rev. Stat. c. 50.

(1) Where the aggregate value of the property of the deceased exceeds $100,000, and passes in manner aforesaid, either in whole or in part, to or for the benefit of the father, mother, husband, wife, child, grandchild, daughter-in-law or son-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty of $2.50 for every $100 of the value; or

(2) Where the aggregate value of the property exceeds $200,000, the whole property which passes as aforesaid shall be subject to a duty of $5 for every $100 of the value; and

(3) Where the value of the property of the deceased exceeds $10,000 so much thereof as passes to or for the benefit of the grandfather or grandmother or any other lineal ancestor of the deceased, except the father and mother, or to any brother or sister of the deceased, or to any descendants of such brother or sister, or to a brother or sister of the father or mother of the deceased, or any descendant of such last mentioned brother or sister, shall be subject to a duty of $5 of every $100 of the value.

(4) Where the value of the property of the deceased exceeds $10,000 and any part thereof passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased save as hereinbefore provided for, the same shall be subject to a duty of ten per cent. on the value.

Proviso.

(5) Provided that where the whole value of any property devised, bequeathed or passing to any one person under a will or intestacy does not exceed $200 the same shall be exempt from payment of the duty imposed by this section.

Executors, etc., to file inventory, and bonds for payment of duty.

5. An executor or administrator applying for letters probate or letters of administration to the estate of a deceased person shall, before the issue of letters probate or administration to him, make and file with the Surrogate Registrar a full, true and correct statement under oath showing (*a*) a full itemized inventory of all the property of the deceased person and the market value thereof. (*b*) The several persons to whom the same will pass under the will or intestacy and the degree of relationship, if any, in which they stand to the deceased; and the executor or administrator shall before the issue of letters probate or letters of administration deliver to the Surrogate Registrar a bond in a penal sum equal to ten per centum of the sworn value of the property of the deceased person liable to succession duty, executed by himself

himself and two sureties, to be approved by the Registrar, conditioned for the due payment to Her Majesty of any duty to which the property coming to the hands of such executor or administrator of the deceased may be found liable.

(2) This section does not apply to estates in respect of which no succession duty is payable.

When appraisement to be directed.

6. In case the Treasurer of the Province is not satisfied with the value so sworn to, the Surrogate Registrar of the county in which any property subject to the payment of the said duty is situate shall, at the instance of the Provincial Treasurer, his solicitor or agent, direct in writing that the sheriff of the county shall make a valuation and appraise the said property.

Valuation of property by sheriff.

7. In such case the sheriff shall forthwith give due and sufficient written notice to the executors and administrators and to such other persons as the Surrogate Registrar may by order direct, of the time and place at which he will appraise such property; and he shall appraise the same accordingly at its fair market value and make a report thereof in writing to the Surrogate Registrar, together with such other facts in relation thereto, as the Surrogate Registrar may by order require, and such report shall be filed in the office of the Surrogate Registrar. The sheriff shall be entitled to receive the sum of $5 per diem for services performed under this Act, and his actual and necessary travelling expenses, and the same shall be paid to him by the Treasurer of the Province.

Sheriffs' fees.

Mode of assessing property liable to duty.

8. The Surrogate Registrar shall, upon receiving the report of the sheriff, forthwith assess and fix the then cash value of all estates, interests, annuities and life estates or terms of years growing out of such estate, and the duty to which the same is liable, and shall immediately give notice thereof, by registered letter, to such parties as by the rules of the High Court would be entitled to notice in respect of like interests in an analogous proceeding and the Surrogate Registrar may appoint for the purpose of this Act a guardian for infants who have no guardians, and the value of every future or contingent or limited estate, income or interest shall, for the purpose of this Act, be determined by the rule, method and standards of mortality and of value, which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities, for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the Inspector of Insurance shall, on the application of any Surrogate Registrar, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained

in

in such report, and certify the same to the Surrogate Registrar, and his certificate shall be conclusive as to the matters dealt with therein.

Appeals from appraisement or assessment.

9. Any person dissatisfied with the appraisement or assessment may appeal therefrom to the Surrogate Judge of the proper county within thirty days after the making and filing of such assessment and upon such appeal the judge of said court shall have jurisdiction to determine all questions of valuation and of the liabilities of the appraised estate or any part thereof for such duty, and the decision of the Surrogate Judge shall be final, unless the property in respect of which such appeal is taken shall exceed in value the sum of $10,000, when a further appeal shall lie from the decision of the Surrogate Judge to a Judge of the High Court whose decision shall be final.

Bequests, etc., to executors or trustees.

10. Where a bequest or devise of property, which otherwise would be liable to the payment of duty under this Act, is made to an executor or trustee in lieu of commissions or allowance, and said bequest or devise exceeds what would be a reasonable compensation for the services of the executor or trustee, such excess shall be liable to said duty, and the judge of the Surrogate Court having jurisdiction in the case shall fix such compensation.

When duty payable on future estates and interests.

11. In all cases where there has been a devise, descent or bequest of property liable to succession duty, to take effect in possession, or come into actual enjoyment after the expiration of one or more life estates or a period of years, the duty on such future estate or interest shall not be payable nor interest begin to run thereon, until the person or persons liable for the same shall come into actual possession of such estate or interest, by the determination of the estates for life or years, and the duty shall be assessed upon the value of the estate or interest at the time the right of possession accrues as aforesaid.

Duties to be payable within 18 months from death of owner.

12. The duties imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the deceased, or within eighteen months thereafter, and if the same are paid within eighteen months no interest shall be charged or collected thereon, but if not so paid interest at the rate of six per centum per annum shall be charged and collected from the death of the deceased, and such duties together with the interest thereon shall be and remain a lien upon the property in respect to which they are payable until the same is paid.

Extension of time for payment of duty.

13. The Surrogate Judge may make an order upon the application of any person liable for the payment of said duty, extending the time fixed by law for payment thereof where

it

it appears to such judge that payment within the time prescribed by this Act is impossible owing to some cause over which the person liable has no control.

Administrators, etc., to deduct duty before deliver ing property.

14. Any administrator, executor or trustee having in charge or trust, any estate, legacy or property subject to the said duty shall deduct the duty therefrom, or collect the duty thereon upon the appraised value thereof from the person entitled to such property, and he shall not deliver any property subject to duty to any person until he has collected the duty thereon.

Power to sell for payment of duty.

15. Executors, administrators and trustees shall have power to sell so much of the property of the deceased as will enable them to pay said duty in the same manner as they may be enabled by law so to do for the payment of debts of the testator or intestate.

Duty to be paid to Provincial Treasurer.

16. Every sum of money retained by an executor, administrator or trustee, or paid into his hands for the duty on any property, shall be paid by him forthwith to the Treasurer of the Province, or as he may appoint.

Refunding duty upon subsequent payment of debts

17. Where any debts shall be proven against the estate of a deceased person, after the payment of legacies or distribution of property from which the said duty has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, administrator or trustee, if the said duty has not been paid to the Treasurer of the Province, or by the Treasurer if it has so been paid.

Mode of enforcing payment of duty.

18. If it appears to the Surrogate Judge that any duty accruing under this Act has not been paid according to law, he shall make an order directing the persons interested in the property liable to the duty to appear before the court on a day certain to be therein named and show cause why said duty should not be paid. The service of such order and the time, manner and proof thereof, and fees therefor, and the hearing and determining thereon, and the enforcement of the judgment of the court thereon shall be according to the practice in or upon the enforcement of a judgment of the High Court.

Costs.

19. The costs of all such proceedings shall be in the discretion of the court or judge and shall be upon the county court scale unless and until another tariff shall be provided, save as to the costs of an appeal and then upon the scale of the court appealed to.

Fees of judges and registrars.

Rev. Stat. c. 50.

52 V. c. 10.

20. The judges and registrars of the several Surrogate Courts shall be entitled to take for the performance of duties and services under this Act, similar fees to those payable to them under and by virtue of *The Surrogate Courts Act* and rules for similar proceedings, and the 5th section of *The Administration of Justice Act, 1889*, shall apply to the fees payable under this Act to the Surrogate Judge.

21.

Security to be given by registrars.

21. Every Registrar of a Surrogate Court before entering on the duties of his office, or in the case of Registrars appointed prior to the passing of this Act, before the foregoing provisions shall take effect, shall deliver to the Treasurer of the Province a bond or other security or securities in such sum and with such sufficient security or securities as may be approved of by the Lieutenant-Governor in Council for the due and punctual performance of the duties imposed upon such Registrar by this Act, and that he will not receive any duty payable under this Act, and the provisions of the *Act respecting Public Officers* relating to the giving of security by such officers, shall, where not inconsistent with this Act, apply to such bonds or other securities.

Rev. Stat. c. 15.

Lieutenant-Governor in Council may make regulations.

22. The Lieutenant-Governor in Council may make regulations for carrying into effect the provisions of this Act, and such regulations shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of such regulations, and if the Legislature is not in session such regulations shall be laid before the House within the first seven days of the session next after such regulations are made.

CHAPTER 7.

An Act to amend the Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Treasurer may buy in lands remaining unsold after a tax sale under Rev. Stat. c. 23.

1—(1) Where lands in the districts of Algoma and Thunder Bay are offered for sale by the Treasurer of the Province for arrears of taxes, as provided in the *Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay*, and no sale is made for a sum sufficient to pay the taxes due and costs, it shall be lawful for the Treasurer of the Province or some officer or person duly authorized by him at such sale to purchase any such lands which could not be so sold for the amount of such taxes and costs for the amount thereof, and any such lands so purchased shall become the property of and become vested in Her Majesty for the uses of the Province, and shall again become public or Crown lands of the Province and subject to the provisions of *The Public Lands Act*, but this Act shall not deprive the owner of land

Rev. Stat. c. 24

so in arrears and so purchased as aforesaid of any right to redeem the same which he now has under the provisions of the said first mentioned Act.

(2) Such purchase may be made for or on behalf of the Province either when the lands are first offered for sale at auction or at the adjourned sale.

Record of lands purchased.

2. The Treasurer shall duly enter the lands so purchased in a book to be kept for that purpose, and shall also give a certificate thereof in duplicate to the Commisioner of Crown Lands, who shall keep one copy thereof of record in the Crown Lands Department and the other shall be duly recorded in the proper Registry or Land Titles Office as the case may be. A book shall also be kept in the Crown Lands Department in which a list of all such lands shall be duly entered.

Purchase to cancel claim of Crown for taxes.

3. Such purchases on behalf of the Province shall have the effect of cancelling the claim of the Province for all taxes due or imposed upon lands so purchased.

Reservation of pine timber on lands sold for taxes.

4. Neither the sale or certificate thereof of the Provincial Treasurer nor the deed of conveyance by such Treasurer of lands sold for taxes under the said *Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay* shall convey or transfer to the purchaser or his assigns the pine trees or pine timber thereon which by the patent of such lands may have been reserved to Her Majesty. This section shall apply to all past sales and the certificates and deeds given in pursuance thereof as well as to future sales and the certificates and deeds which may be hereafter given.

CHAPTER 8.

An Act to confirm a certain agreement made between the Commissioners of the Queen Victoria Niagara Falls Park and the Canadian Niagara Power Company, and to enable the said Company to carry the agreement into practical effect.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Agreement confirmed.

1. The agreement made between the commissioners for the Queen Victoria Niagara Falls Park and Albert D. Shaw, Francis Lynde Stetson and William B. Rankine, dated seventh day of April, 1892, and as set forth in schedule A hereto, and in this Act hereinafter designated as "the agreement," is hereby

approved

approved, ratified, confirmed and declared to be valid and binding on the parties thereto; and each of the parties thereto is hereby authorized and empowered to do whatever is necessary to give effect to the substance and intention of the provisions of the agreement, and is hereby declared to have and to have had power to do all acts necessary to give effect to the same.

Incorporation.

2. The said Albert D. Shaw, Francis Lynde Stetson, William B. Rankine, and John D. Irwin and Charles J. Holman, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and in the name of the "Canadian Niagara Power Company," and the persons in this section named shall be the provisional directors of the company.

Corporate powers.

3. The company shall have power and authority to construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power; to construct, maintain and operate intakes, tunnels, conduits and other works in, through and under the lands and water-courses constituting the Queen Victoria Niagara Falls Park, but only in the manner and to the extent to be approved by the Commissioners of the Queen Victoria Niagara Falls Park, and in the manner and to the extent required for the corporate purposes of the Company as provided in the said agreement; to conduct, store, sell and supply electricity and pneumatic power; and said Company shall have power with such pneumatic, electric or other conductors or devices as shall have been permitted and approved of by the Commissioners of the Queen Victoria Niagara Falls Park to conduct, convey and furnish or to receive such electricity or power to or from any person, corporation or corporations at any place or places by any means through, under and along any property in respect of which they may have acquired the right, and through, under and along the streets, highways and public places of any municipality or municipalities, or across or along any of the waters within this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the wires or conduits, provided the same are so constructed as not to incommode the public use of such streets, highways and public places, or to impede the access to any house or other building erected in the vicinity of the same, or to interrupt the navigation of such waters. The authority herein given in respect of such streets, highways, and public places shall only be exercised subject to such agreement in respect thereof as shall be made between the company and the said municipalities respectively, and under and subject to any by-law or by-laws of the councils of the said municipalities passed in pursuance thereof. The company shall also have power to take and hold stock in any corporation created for or engaged in business of using or supplying

supplying water of the Niagara River, or of any corporation created for or engaged in the use of power or light derived from such water and may hold stock in any corporation which shall contract to purchase, lease, or use any power or property of the said company, and its stock may also be owned, held and voted on by any such corporation or person; and the said company shall have power upon receiving proper authority so to do, to take its lines or conductors across any bridge over the Niagara River, subject always to any agreement that may be entered into with respect thereto, with the owners for the time being, of such bridge. It shall also have power to acquire, upon such terms as may be agreed upon, the agreement mentioned in the first section of this Act, and all rights granted thereunder by said Park Commissioners, and also the benefit of any work that shall have been done and any moneys that shall have been expended in connection with the said works prior to the organization of the said company.

Capital stock.

4. The capital stock of the company shall be the sum of $3,000,000, to be divided into shares of $100 each; and the money thereby raised shall be applied in the first place to the payment of all fees, expenses and disbursements for the procuring of the passage of this Act, and for making of the surveys, plans and estimates connected with the said works, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said works and to the other purposes of this Act.

Power to make certain payments in stock.

5. The directors may pay or agree to pay in paid-up stock or in bonds of the said company, or in both, such sums as they may deem expedient to engineers or contractors, or for right of way or material or plant, buildings or lands, or the construction or equipment of the works or any part thereof, and also subject to the sanction of the vote of the shareholders for the services of promoters or other persons who may be employed by the directors, for the purpose of assisting the directors in the furtherance of the undertaking or the acquiring of the agreement mentioned in section 1 of this Act.

Issue of bonds.

6 The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, the whole amount of the issue of such bonds not to exceed in all the sum of $5,000,000, which shall, as therein provided, be a charge (subject always to the payment of the annual rent to the commissioners as provided in said agreement) upon the works, franchise and plant of the company and payable at such times and places as the directors shall determine; and the said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said undertaking, works or otherwise.

7.

Rights of Aliens.

7. All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said company and to vote on the same.

Exemption from taxation.

8. It shall be lawful for the corporation of any municipality, in any part of which the works of the company or any part thereof pass or are situate, by by-laws specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Rev. Stat. c. 156 to apply.

9. The clauses of *The Ontario Joint Stock Companies General Clauses Act*, save so far as they are varied or inconsistent with this Act, shall be incorporated in this Act.

SCHEDULE "A."

This agreement made this 7th day of April, 1892, between the Commissioners for the Queen Victoria Niagara Falls Park acting herein on their own behalf and with the approval of the Government of the Province of Ontario, and hereinafter called the commissioners, of the first part; and Albert D. Shaw, of Watertown, in the State of New York, Francis Lynde Stetson, and William B. Rankine of the city of New York, in the state of New York, hereinafter call the company, of the second part.

And whereas for convenience and to prevent ambiguity it is agreed and understood by and between the said parties hereto and is hereby declared as follows, that is to say:

(*a*) The expression "the park" whenever it occurs herein shall be understood to mean the park proper, namely, the Queen Victoria Niagara Falls Park south of its original boundary in front of the Clifton House and running easterly to Niagara river.

(*b*) The expression "the commissioners" wherever it occurs herein shall be understood to mean not only the commissioners of the Queen Victoria Niagara Falls Park—as representing the Government of the Province of Ontario in the premises—named as parties hereto of the first part, but also their successors and assigns

assigns and those who for the time being may be the commissioners of the Queen Victoria Niagara Falls Park, or other representatives of the Government of Ontario in the premises.

(*c*) The expression "the company" wherever it occurs herein shall be understood to mean not only the individuals above named as parties hereto of the second part, but also their and each of their heirs, executors, administrators, and assigns, and the company to be incorporated as hereinafter mentioned, and its successors and assigns.

And whereas the company have applied to the commissioners for the right to take water from the Niagara River at a certain point or points in the park, in order that the company may thereby generate and develop electricity and pneumatic power for transmission beyond the park.

And whereas it is the intention of the company to apply to the Legislature of Ontario at its present session for a charter of incorporation to enable them and such others as may be associated with them in the undertaking to construct and operate the said works hereinafter defined.

And whereas the company desire to secure the right to construct their works in the park, and the commissioners have agreed to permit such construction upon the terms and for the considerations hereinafter expressed and contained, or intended so to be.

Now therefore, this agreement witnesseth as follows, that is to say:—

(1) For the purpose of generating electricity and pneumatic power to be transmitted to places beyond the park, the commissioners hereby grant to the company a license irrevocable save as hereinafter limited, to take water from the Niagara river, between the head of Cedar Island and the main land south thereof, and lead such water, by means of the natural channel between Cedar Island and the main land and the further extension of the channel, to supply works to be erected and constructed by the company in buildings and power houses on the main land within the park, on a location near the foot of the high bluff between the Carmelite Monastery and the rear of the Table Rock House, which location shall occupy a tract of land of not more than 1,200 feet in length by not more than 100 feet in width, such location of buildings and power houses from time to time to be erected as shall be hereafter settled within the aforesaid limits by the commissioners.

(2) The company shall have the further right to excavate tunnels to discharge the water led from the Niagara River to the said buildings and power houses so that such water by means of such tunnels shall emerge below the Horse Shoe Fall at or near the water's edge of the Niagara River.

(3)

(3) The right to take water from the Niagara River for the purposes aforesaid shall be subject to the rights existing and heretofore granted under the three following agreements, namely:

(*a*) The agreement between the commissioners and the corporation of the town of Niagara Falls, dated the first day of September, 1889, and the right of granting at the expiration of the said agreement, the use of the same amount of water to the said town or to any other party.

(*b*) The agreement for the construction of the electric railways in accordance with the Act of the Legislature of Ontario entitled *An Act to incorporate the Niagara Falls Park and River Railway Company*, and subject to the point of intake of water to generate electricity under the terms of the agreement being fixed by the commissioners as may be found necessary.

(*c*) The agreement made with Sutherland Macklem for the supply of water for the mansion and grounds known as Clark Hill.

(4) The license hereby granted is for the term of twenty years, commencing with the first day of May, 1892, the company paying therefor at the clear yearly rental of twenty-five thousand dollars ($25,000) during the first ten years (the rent to be computed from the first day of November, 1892); the rental for the period from the first day of May, 1892, to the first day of November, 1894, which is fixed at fifty thousand dollars ($50,000), having been paid to and accepted by the commissioners in two payments of the sum of fifteen thousand dollars ($15,000) and the further sum of thirty-five thousand dollars ($35,000) paid by the company at or prior to the execution and delivery of this instrument; the rent for the remainder of the first ten years of the term to be payable in half-yearly payments and at the end of each six months, to wit, on the first days of May and November of each and every year the first of such semi-annual payments to be made on the first day of May, 1895.

The rental for the second ten years of the term payable half-yearly on the first days of May and November as above, shall be as follows:

The eleventh year	$26,000.
The twelfth year	27,000.
The thirteenth year	28,000.
The fourteenth year	29,000.
The fifteenth year	30,000.
The sixteenth year	31,000.
The seventeenth year	32,000.
The eighteenth year	33,000.
The nineteenth year	34,000.
The twentieth year	35,000.

Provided

Provided always that if any part of the said rent, whether payable under this paragraph or in respect of the renewal term or terms in the following paragraph, shall be in arrear for three months whether legally demanded or not, the commissioners, or if not then an existing corporation, the Government of the Province of Ontario, may re-enter on the premises, or on any part thereof in the name of the whole and thereupon this agreement shall determine, and the remainder of the term then current shall terminate as well as any renewal or renewals thereof which under this agreement may be claimed.

(5) If at the end of the said period of twenty years the company desire to renew for a further period of twenty years, and shall give notice in writing to the commissioners at least twelve months before the expiration of the twenty years period, they shall be entitled to and shall receive a further lease of such rights for the period of twenty years more at the rental of thirty-five thousand dollars ($35,000) per annum, and similarly the company shall be entitled at their option to three further renewals at a like rental of thirty-five thousand dollars ($35,000) per annum, the object and intention of this stipulation being to confer upon the company the right to an original term of twenty years at the rentals hereinbefore specified, and to four further terms or periods of twenty years each at a rental of thirty-five thousand dollars ($35,000) per annum, making one hundred years in all, and the company shall then give up, or at the expiration of the first term of twenty years, or any subsequent term of twenty years, if unrenewed in accordance with this agreement, the works, premises, rights and privileges by this agreement granted or created without any claim for compensation with liberty to the company to remove their machinery. In case the company desire to terminate the lease, they may do so during the first period of twenty years upon three months' notice in writing to the commissioners, or in case the commissioners are not then an existing corporation, the Government of the Province of Ontario, payment of rent up to the time of the termination of such notice being made upon the giving of such notice.

(6) In respect of all the rights and authorities which the commissioners, by the agreement, have conferred or agreed to confer upon the company to exercise in and about the execution of the works to be constructed, and operating or working the same, and of all other matters herein agreed upon, the company will indemnify the commissioners in respect of the exercise of said rights by the company, and will hold them safe from any liability to any persons whomsoever.

(7) For the transmission of electricity and pneumatic power to points beyond the park the company shall have the right to convey the same by wires, cables or other appliances in conduits beneath the surface of the park :—And the company may

may pass a conduit under the electric railway within the park to enable electricity or pneumatic power to be conveyed between the railway and the edge of the cliff as far as the Niagara Falls and Clifton suspension bridge.

(8) For the purposes of construction the company shall have the power to construct coffer-dams across both upper and lower ends of the natural channel between Cedar Island and the main land, and to erect a temporary incline from the Falls View Station of the Canada Southern Railway to receive supplies and machinery delivered by the said railway and shall deposit excavated material in such places as the Commissioners may direct, and at all times to erect and maintain a submerged dam for the purpose of directing water from the river to the aforesaid natural channel.

(9) The commissioners shall not grant or confer upon any other company or person any right to take or use the waters of the Niagara River within the limits of the park so long as this agreement is in force, nor will the commissioners themselves engage in making use of the water to generate electric or pneumatic power except for the purposes of the park, saving always in so far as regards the exceptions contained in paragraph 12 of this agreement.

(10) The company undertake to begin the works hereby licensed to be constructed by them on or before the first of May, 1897; and to have proceeded so far with the said works on or before the first of November 1898 that they will have completed water connections for the development of 25,000 horse power and have actually ready for use supply and transmission 10,000 developed horse power by the said last mentioned day.

(11) The company whenever required shall from the electricity or pneumatic power generated under this agreement supply the same in Canada (to the extent of any quantity not less than one-half the quantity generated) at prices not to exceed the prices charged to cities, towns, and consumers in the United States at similar distances from the Falls of Niagara for equal amounts of power and for similar uses and shall whenever required by the Lieutenant-Governor in Council make a return of prices charged for such electricity or power, verified under oath by any chief officer of the company, and if any question or dispute arises involving the non-supply or prices of electricity or power for consumption in Canada the High Court of Justice of Ontario shall have jurisdiction to hear and determine the same and enforce the facilities to be given or the prices to be charged.

(12) The company may agree with the Electric Railway Company for the supply of electricity to work the said railway and also supply electricity for any other purpose within the park.

(13)

(13) If the company should at any time or times continuously neglect for the space of one year effectually to generate electricity or pneumatic power as hereby agreed by the company, unless hindered by unavoidable accident, the Lieutenant-Governor in Council may then and from thenceforth declare this agreement, the liberties, licenses, powers and authorities thereby granted and every of them to be forfeited and thenceforth the same shall cease and determine and be utterly void and of no effect whatever.

(14) All works to be done and executed by the company in order to carry out the rights hereby granted to them and the manner in which the same may from time to time be proposed to be performed or varied as well as the exercise of powers within the park shall, before being commenced, be submitted by the company to the commissioners for approval, accompanied by suitable plans, profiles, specifications and elevations as the case may require, the intention being that the buildings and works shall not detract from the park design and not in any way disfigure the park of which disfiguring or not the commissioners are to be the sole judges, and shall not be adopted or proceeded with before the approval thereof in writing shall have been given by the commissioners.

And for greater certainty but not so as to restrict the generality of the foregoing terms of this paragraph it is hereby declared that such approval shall be required in the matters following:—

(*a*) The excavation of the channels to lead the waters of the Niagara from the point or points of intake to the location of the power houses, including the precautions necessary in relation to making openings under the railway for the admission of the waters of the river, and including the wheel-pits, tunnels, and portals to discharge the same, and the point of such discharge below the Falls.

(*b*) The selection of the site on which the buildings and power houses are to be located in accordance with the limits fixed by paragraph 1, and the general design and form of such buildings as suitable to the surroundings of the site selected. (See paragraphs 1 and 3.)

(*c*) The construction of the conduits whereby the cables, wires, pipes to convey the electricity or pneumatic power to points without the park. (See paragraph 7.)

(*d*) The construction and position of coffer-dams, incline plane, buildings for temporary use during construction and position of tramways for use during construction, and for the removal of excavated or refuse material. (See paragraph 8.)

(*e*) The change of the rising main of the town of Niagara Falls water supply and also the operations of the company are not to interfere with the regular working of the railway or its safety.

(15) The parties hereto shall use their best endeavours to procure, and either party hereto may apply to the present Legislature of Ontario at its present Session for an act of incorporation enabling the parties hereto of the second part, or those who may be associated with them in the undertaking to carry on such works as an incorporated company, with sufficient powers to enable them to raise such capital by bond, debenture, stock, mortgage or otherwise, as may be deemed sufficient to carry out the foregoing contract and to enable them to construct and operate effectively the said works as herein before provided for; and either party hereto may, at the present session of the said Legislature apply to the said Legislature for an Act to ratify and confirm this agreement.

(16) The rents hereby agreed to be paid are hereby declared to be a first and preferential charge upon the said works, and the Company shall not have power to create any lien, charge or incumbrance upon the said works or any of them, by bond, debenture, mortgage or otherwise, which would interfere with or prevent the Commissioners from procuring payment of the rent hereby reserved or any part thereof; and no simple contract creditor or other creditor of the Company shall have any claim against the said works or any part thereof in priority of the claim of the Commissioners for rent.

(17) Upon the due organization and formation of the corporation intended to be formed as hereinbefore provided and when this agreement shall have been duly transferred to such corporation and it shall have assumed the same, the said parties of the second part shall thereby be relieved from personal responsibility for the performance of this agreement.

In witness whereof the corporate seal of the commissioners has been hereunto affixed by the chairman, who has also signed the same; and the parties hereto of the second part have hereunto set their hands and seals the day and year aforesaid.

Signed, sealed and delivered in the presence of

JAMES WILSON.

C. S. GZOWSKI, Chairman. [SEAL].

ALBERT D. SHAW. [SEAL].

FRANCIS LYNDE STETSON, [SEAL].

WM. B. RANKINE. [SEAL].

CHAPTER

CHAPTER 9.

The Mines Act, 1892.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as *The Mines Act, 1892.* Short title.

PART I—GENERAL PROVISIONS.

Interpretation Clauses.

2. Where the following words occur in this Act, and in Orders in Council or Regulations under it, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears :— Interpretation.

1. "Mine" includes every shaft in the course of being sunk, and every adit, level and inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to a mine, and any such shaft, level and inclined plane belonging to any mine to which this Act applies, together with all rocks, soils or strata containing any ores or minerals, and all places where the work of mining may be carried on. Mine.

2. The verb "mine" and the participle "mining" shall mean and include any mode or method of working whatsoever whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any metal or metals therefrom, whether the same may have been previously disturbed or not. Mine and mining.

3. "Mining division" shall mean and include any tract of country declared to be a mining division within this Act. Mining division.

4. "Crown lands" shall mean and include all crown lands, school lands or clergy lands not in the actual use or occupation of the Crown, or of any public Department Crown lands.

 of

of the Government of the Dominion of Canada or of this Province, or of any officer or servant thereof, and not under lease or license of occupation from the Crown or the Commissioner of Crown Lands, and as to which no adverse claim exists which is subsequently recognized by the Commissioner of Crown Lands.

Surface rights.

5. "Surface rights" shall mean lands granted, leased or located for agricultural or other purposes and in respect of which the ores, minerals and mines thereupon or under the surface thereof are by statute, the patent or lease, or otherwise, reserved to the Crown.

Mining and mineral rights.

6. "Mining rights" or "mineral rights" shall include the right to the ores, minerals and mines upon or under or connected with the surface rights.

Party wall.

7. "Party wall" shall mean a bank of earth or rock left between two excavations.

Shaft. Plan.

8. "Shaft" includes pit, and "plan" includes a map and section, and a correct copy or tracing of any original plan as so defined.

Machinery.

9. "Machinery" includes steam or other engines, boilers, furnaces, stampers or other crushing apparatus, winding or pumping gear, chains, trucks, tramways, tackle, blocks, ropes or tools, and all appliances of whatsoever kind used in or about or in connection with the mine.

Owner.

10. "Owner" when used in relation to any mine means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine.

Agent.

11. "Agent" when used in relation to any mine means any person having, on behalf of the owner, care or direction of any mine, or of any part thereof, and includes the words "manager" and "superintendent."

Inspector.

12. "Inspector" includes any inspector appointed under this Act, and whether for a mining division or any part thereof or for the Province. R.S.O. 1887, c. 31, s. 2; 53 V. c. 10, s. 3.

Royalties on Ores or Minerals.

All royalties, etc., reserved by any patent repealed.

3. All royalties, taxes or duties which by any patent or patents issued prior to the 4th day of May, 1891, have been reserved, imposed or made payable upon or in respect of and ores or minerals extracted from the lands granted by such

patents'

patents, and lying within this Province, are hereby repealed and abandoned; and such lands, ores and minerals shall henceforth be free and exempt from every such royalty, tax or duty; and all reservations of gold and silver mines contained in any patent issued prior to the date aforesaid, granting in fee simple land or lands situate within this Province, are hereby rescinded and made void, and all such mines in or upon such lands shall be deemed to have been granted in fee simple as part of such lands and to have passed with such lands to the subsequent and present proprietors or owners thereof in fee simple; but the provisions of this section shall not be construed to apply to lands patented under *The Free Grants and Homesteads Act.* R.S.O. 1887, c. 31, s. 3, 4.

Reservations of gold and silver mines in any patent already issued rescinded.

4.—(1) All ores and minerals mined, wrought or taken from lands located, sold and granted or leased by the Crown on or after the 4th day of May, 1891, shall be subject to a royalty to the Crown for the use of the Province, to be reckoned at the following rates, whether such royalty be reserved in the grant, patent or lease, or not:

Royalties payable to the Crown

a. Silver, nickel, or nickel and copper, three per cent.

b. Iron ore, not exceeding two per cent.

c. All other ores, such royalty as shall be from time to time imposed by Order in Council, not exceeding three per cent.

Nevertheless it is provided that the royalty hereby reserved shall not be imposed or collected upon any ores mined, wrought or taken until after seven years from the date of the patent or lease. No higher rate of royalty shall be levied upon ores and minerals taken from land than that provided for by the statute in force at the time of the sale or lease of such land.

(2) All royalties shall be calculated upon the value of the ores or minerals at the pit's mouth, less the actual cost of labor and explosives for mining and raising the same to the surface and shall be payable at such time and times and the values shall be fixed and ascertained in such manner as shall be provided by regulation to be made by the Lieutenant-Governor in Council in that behalf. 54 V. c. 8, s. 3.

(3) Where a prospector or explorer who originally discovers valuable ore or mineral on or in a vein or lode at least three miles from the nearest known mine or discovery on the same vein or lode, or in or upon a vein or lode theretofore unknown or undiscovered at a distance of one mile from any other known or discovered mine, lode or vein, and in the patent, grant or lease whereof such prospector or explorer is described as the original discoverer, the grantee or lessee, his executors, administrators or assigns shall be exempted from paying royalty on any part of the ore, produce or profit of

Exemption in case of original discovery.

such

such mine to the Province for a term of fifteen years, to be computed from the date of such patent, grant or lease; provided nevertheless that it shall be incumbent upon the applicant to show,

(*a*) That the discovery was made after the coming into force of this Act and that the application for a grant or lease was made to the Department within one month from the time of the alleged discovery;

(*b*) Or that the discovery was made since the 4th day of May, 1891, and that application for a grant or lease has been heretofore made to the Department or was made within one month from the coming into force of this Act.

Ores taken for experimental purposes to be free from royalties.

5. The Lieutenant-Governor in Council may by regulation provide that the ores of any mine taken or to be taken out by way of experiment and for the purpose of ascertaining the quality and value of the mineral and mine shall be free from royalty upon the recommendation of the Director of Mines. 54 V. c. 8, s. 4.

REGULATIONS.

Lieutenant-Governor in Council may make regulations *re* Arbitrators or Mining Boards.

6.—(1) The Lieutenant-Governor in Council may from time to time make such regulations as he deems necessary or expedient for the appointment of Arbitrators or Mining Boards to hear and determine appeals from the decisions of Inspectors of divisions; for the prescribing, defining and establishing the powers, duties and mode of procedure of the Arbitrators or Mining Boards; for the opening, construction, maintenance and using of roads through or over mining claims, mining locations or lands hereafter sold as mining lands; and for the opening, construction, maintenance and using of ditches, aqueducts or raceways through or over such claims, locations or lands for the conveyance and passage of water for mining purposes, and generally for the purpose of carrying out this Act; and such regulations, after publication in the *Ontario Gazette*, shall have the force and effect of law. R.S.O. 1887, c. 31, s. 35.

Regulations of Lieutenant Governor to be laid before Assembly.

(2) Any regulations made under this Act by the Lieutenant-Governor in Council shall, if made when the Legislative Assembly is sitting, be laid upon the table of the House during the then session, and if made at any other time shall be laid upon the table of the House within fifteen days from the beginning of the next session thereof. 54 V. c. 8, s. 11.

MINERALS ON CROWN LANDS.

Crown lands may be explored for mines, etc.

7. Any person or persons may explore for mines or minerals on any Crown lands, surveyed or unsurveyed, and not for the time being marked or staked out and occupied as hereinafter mentioned. R.S.O. 1887, c. 31, s. 6.

8.

8. Crown lands supposed to contain ores or minerals may be sold as mining lands, or may when situate within a mining division be occupied and worked as "mining claims" under miners' licenses, as hereinafter provided. R.S.O. 1887, c. 31, s. 7. Crown lands may be sold as mining lands, etc.

9. Such lands so sold when situate in unsurveyed territory, or in townships surveyed into sections or lots, shall be sold in blocks to be called "mining locations." R.S.O. 1887, c. 31, s. 8. Mining locations.

PART II—MINING LOCATIONS.

Form and Price of Locations.

10. Mining locations under this Act shall conform to the following requirements: Form and size of mining locations in territory bordering on Lakes Superior and Huron, French River, etc.

1. In the unsurveyed territory within the districts of Algoma, Thunder Bay and Rainy River, and that part of the district of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa, every regular mining location shall be rectangular in shape, and the bearings of the outlines thereof shall be due north and south and due east and west astronomically; and such location shall be of one of the following dimensions, namely, eighty chains in length by forty chains in width, containing three hundred and twenty acres, or forty chains square containing one hundred and sixty acres, or forty chains in length by twenty chains in width, containing eighty acres, or twenty chains in length by twenty chains in width, containing forty acres.

2 Where a mining location in the unsurveyed lands in the territory aforesaid borders upon a lake or river a road allowance of one chain in width shall be reserved along the margin of the lake or river, and the width of the location shall front on the road allowance, and the bearings of the other outlines of the location shall be due north and south and due east and west astronomically, and the location shall otherwise conform to the requirements of the preceding sub-section as nearly as the nature of the land will admit. But the Commissioner of Crown Lands may, where in his opinion the public interests will not be prejudiced, specially direct that such reservation shall not be made in the case of any island or islands which contain not more than thirty acres. When locations border on lakes and rivers in said territory. Proviso.

3. In the townships in the said territory surveyed or hereafter to be surveyed into sections or lots every mining location after such survey shall consist of a half, a quarter, an eighth, or a sixteenth of a section or lot as the case may be, but so that the area of any such mining location shall be not less than forty acres. When in townships in said territory surveyed in sections.

4.

Reservation for roads.

4. In all patents and leases for mining locations in the territory aforesaid there shall be a reservation for roads of five per centum of the quantity of land professed to be granted.

Locations in other unsurveyed territory.

5. In the unsurveyed lands not situate within the limits of the territory aforesaid mining locations shall be as may be defined by any Order in Council hereafter to be made. R.S.O. 1887, c. 31, s. 9; 53 V. c. 9, s. 1.

How mining locations in unsurveyed territory to be surveyed.

11. Mining locations in unsurveyed territory shall be surveyed by a Provincial Land Surveyor, and be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the office maps of the territory in the Department of Crown Lands), at the cost of the applicants, who shall be required to furnish with their application the surveyor's plan, field notes and description thereof, showing a survey in accordance with this Act and to the satisfaction of the Commissioner of Crown Lands. R.S.O. 1887, c. 31, s. 10.

Price of mining locations.

12.—(1) The price per acre of all Crown lands to be sold as mining lands or locations in the districts of Algoma, Thunder Bay, Rainy River and that part of the district of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa shall be:

a. If in a surveyed township and within twelve miles of any railway	$3 50
b. If within twelve miles of any railway but in unsurveyed territory	$3 00
c. All other mining lands in surveyed territory	$3 00
d. All other mining lands in unsurveyed territory	$2 50

(2) The price per acre of all other Crown lands sold as mining lands or locations and lying south of the aforesaid lake and rivers shall be:

a. If in a surveyed township and within twelve miles of any railway	$2 50
b. If situate elsewhere	$2 00

(3) Where any locality or territory is shown to be rich in mines and minerals the Lieutenant-Governor in Council may by regulation set apart the whole or part of such locality or territory, and may fix the price per acre at any greater sum than is hereinbefore mentioned, or may temporarily withdraw the same from sale. 54 V. c. 8, s. 1.

TENURE OF LOCATIONS.

Expenditure per acre to be made by owner.

13.—(1) The grantee and owner of any mining location or lot or parcel sold and patented under the preceding section shall, during the seven years immediately following the issue of the patent therefor, expend in stripping or in opening up

mines,

mines, in sinking shafts or in other actual mining operations where the quantity contained in the patent exceeds 160 acres, $4 per acre during the first seven years; where the quantity contained in the patent is 160 acres or less, $5 per acre during the first seven years.

How expenditure may be made

(2) The said expenditure may consist of labour actually performed by grown men at the rate of two dollars and a half per day, or of payment therefor, or for explosives or other mining material for use on the particular parcel of land.

lands to revert to Crown

(3) In default of such expenditure during the said period the mines and minerals, with the right of access thereto and removal therefrom, and all rights of mining upon, under or connected with any such lot or part of lot, or so much thereof as shall be owned by any person who has failed to make the expenditure in respect of the portion or parcel owned by him shall, upon the report of the Director of Mines that such expenditure has not been made, confirmed by an Order of the Lieutenant-Governor in Council, revert to, become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever; but the grantee or owner shall retain all his other interests in the land or soil as agricultural land distinct from the mines and minerals. 54 V. c. 8, s. 2.

Leases of mining lands authorized.

14.—(1) Instead of granting any mining lands in fee simple the same may be leased or demised for a term of ten years with the right of renewal for a further term of ten years at the same rental if the covenants and conditions have been performed and fulfilled.

Rental.

(2) Unless otherwise provided by regulation the rental for the first year shall be one dollar per acre, and thereafter the sum of twenty-five cents per acre per annum, payable in advance, in respect of the lands or within the territory designated in the first sub-section of section 12 of this Act; and sixty cents per acre the first year, and thereafter fifteen cents per acre per annum, payable in advance, for lands situate elsewhere.

Renewal of lease.

(3) Such lease may at the expiration of the second term, if the covenants and conditions thereof have been performed and fulfilled, be renewed for a term of twenty years on such conditions and at such rent as the regulations shall provide, and so on from time to time the same may be renewed at the expiration of every twenty years.

Conditions of lease.

(4) Every such lease shall be subject to such covenants and conditions on the part of the lessee, his executors, administrators and assigns, to be paid, observed and performed, as shall be provided by regulation.

Removal of machinery on expiry of lease.

(5) The said lease may among other things provide for the removal of any mining plant and machinery which the lessee, his executors, heirs and administrators shall have placed or erected upon the said premises, in case of forfeiture or non-renewal of the lease.

Expenditure upon lands leased.

(6) There shall be expended in stripping or in opening up mines or in sinking shafts or in other actual mining operations the same sum upon lands leased under the provisions of this Act as it is provided shall be expended in the case of sales or grants by section 13 hereof, and within the same time and in default of such expenditure the lease shall be forfeited and become absolutely void, and the said lands, mines and minerals shall, upon the report of the Director of Mines that such expenditure has not been made, confirmed by an Order of the Lieutenant-Governor in Council, revert to and become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever. 54 V. c. 8, s. 5.

When lessee may become purchaser.

15. The lessee may at any time during the demised term, upon the payment of all rent due and the performance and fulfilment of all other covenants and conditions, become the purchaser of the lands demised to him, and in such case the sum paid for the first year's rental shall be treated as part of the purchase money. 54 V. c. 8, s. 6.

Forfeiture of leases on non-payment of rent

16. If default is made by the lessee in the payment of rent the lease shall be forfeited and become absolutely void, but the lessee may defeat the forfeiture by payment of the full amount of rent within ninety days from the date hereinbefore appointed for payment thereof ; but unless the whole of the rent is paid within ninety days from the appointed day the lease shall be absolutely forfeited and void, any statute, law, usage or custom to the contrary notwithstanding, and all claims of any and every kind of the lessee or his assigns shall from and after such last mentioned period forever cease and determine. 54 V. c. 8, s. 7

Reservation of Timber.

Pine trees reserved.

17.—(1) The patents for all Crown lands sold as mining lands shall contain a reservation of all pine trees standing or being on the said lands, which pine trees shall continue to be the property of Her Majesty, and any person now or hereafter holding a license to cut timber or sawlogs on such lands may at all times during the continuance of the license enter upon such lands and cut and remove such trees and make all necessary roads for that purpose.

Patentees may use timber for building, fencing, etc., on the land.

(2) The patentees or those claiming under them (except patentees of mining rights hereinafter mentioned) may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose essential to the working of the mines thereon, and may also cut and dispose of all trees required to be removed in actually clearing the land for cultivation.

(3)

(3) No pine trees, except for the said necessary building, fencing and fuel, or other purpose essential to the working of the mine, shall be cut beyond the limit of such actual clearing; and all pine trees so cut and disposed of, except for the said necessary building, fencing and fuel, or other purpose aforesaid, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or sawlogs. R.S.O. 1887, c. 31, s. 12. Timber cut to be subject to dues.

18.—(1) The preceding section shall apply to all leases issued under this Act, other than leases of mining rights hereinafter mentioned, with the following limitations and variations, that is to say— Application of section 17 to leases.

(2) No pine trees shall be used for fuel other than dry pine trees, and (except for domestic or household purposes) only after the sanction of the timber licensee or the Department of Crown Lands is obtained.

(3) In case it is intended to clear for cultivation any portion of the lands so leased it shall be the duty of the lessee to give the holder of the timber license three months' notice in writing of his intention to clear, and the area intended to be cleared, and its position, so that such timber licensee may remove any timber on the area intended to be cleared.

(4) If at the expiry of the time limited by the notice such timber shall not have been removed from the area intended to be cleared, then the lessee shall be at liberty to cut and dispose of all trees required to be removed in actually clearing for cultivation the area specified in such notice, and all trees so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses.

(6) If during the first ten years it is sought to cut timber, other than pine, on the lands so leased, beyond what is required for building, fencing or fuel, or in the course of actual clearing for cultivation, or for any other purpose essential to the working of the mines as hereinbefore provided, application shall first be made to the Commissioner of Crown Lands, who may grant authority to cut such timber and fix the rate of dues to be paid thereon. 54 V. c. 8, s. 8.

Surface Rights and Mining Rights.

19.—(1) Where the mines, minerals and mining rights are reserved to the Crown the owner of any surface rights (if a patent or mining lease of the mining rights thereupon or thereunder has not been previously applied for, and a deposit of at least half the purchase price or rental made) may make application and shall have priority in respect of such application for a mining lease or grant thereof upon payment to the Department of the purchase money or rent within one month from the time of such application, unless in the case of original Owner of surface rights to have priority in respect of mining rights. Exception.

and

and *bona fide* discovery by a subsequent applicant of valuable mineral in or upon said premises within one month prior to the application of said owner.

Price, or rental.

(2) The price per acre of a patent or lease of mining rights shall be fifty per cent. of the rates as fixed by the twelfth and fourteenth sections of this Act respectively for a patent or lease of mining lands.

How compensation to owner of surface rights shall be ascertained.

20.—(1) Where the surface rights have been granted leased or located, and a patent or lease of mining rights shall thereafter be granted in respect of the same land, in the event of the parties failing to agree upon compensation for injury or damage to the surface rights either in the form of a specified interest in the mineral rights or ore or mineral, to be secured to the owner of the surface rights, or by payment or agreement to pay in money, or the giving of security, the Director of Mines shall order and prescribe the manner in which compensation for the damage or injury to the surface and surface rights shall be ascertained, paid or secured.

(2) For the purposes aforesaid the Director of Mines is empowered to appoint a valuator or valuators, arbitrator or arbitrators, who shall have all the powers for the purposes for which he or they shall be appointed of an arbitrator or arbitrators under any Act of the Legislature, or he may direct that such compensation shall be ascertained by suit or action in any county or district court.

Right of entry to prospect limited.

21. No person shall have the right of entry as prospector or explorer upon the surface rights of that portion of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such entry are growing, or on which is situated any spring, artificial reservoir, dam or waterworks, or any dwelling-house, out-house, manufactory, public building, church or cemetery, unless with the written consent of the owner, lessee or locatee, or of the person in whom the legal estate therein is vested.

BUREAU OF MINES.

Appointment of Director.

22. There shall be established in connection with the Department of Crown Lands a Bureau of Mines to aid in promoting the mining interests of the Province, and the Lieutenant-Governor in Council may appoint an officer to be known as Director of the Bureau of Mines, who shall act under the direction of the Commissioner of Crown Lands, unless and till otherwise ordered, and who shall be paid such salary as shall be voted by the Legislature. 54 V. c. 8, s. 9.

Powers of Director.

23. The Director of the Bureau of Mines shall have all the powers, rights and authority throughout the Province which an Inspector or local agent has or may exercise in any mining

ing division or locality, and such other powers, rights and authority for the carrying out of the provisions of this Act as shall be assigned to him by regulation for that purpose. 54 V. c. 8, s. 10.

Mining divisions, how to be declared.

24. The Lieutenant-Governor in Council may from time to time by Order in Council declare such tract of country as may be described in and by the Order in Council a mining division; and by any other subsequent Order or Orders in Council may from time to time extend, add to or diminish the limits of the division, or may otherwise amend or may cancel such Order in Council, and from and after the publication in the *Ontario Gazette* of such Order in Council the mining division therein mentioned and described and all mines on Crown lands situate in the division shall be subject to the provisions of this Act, and to any regulations to be made under this Act. R.S.O. 1887, c. 31, s. 13.

Appointment and powers of Inspectors of mining divisions.

25. The Lieutenant-Governor may appoint for every mining division or for any part thereof an Inspector, who shall be an officer of the Bureau of Mines, and by Order in Council may prescribe the duties and fix the salary of such Inspector. R.S.O. 1887, c. 31, s. 14.

Inspector to be a Justice of the Peace.

26.—(1) Every Inspector shall be *ex officio* a Justice of the Peace of the county or united counties, district or districts, which a mining division comprehends or includes, in whole or in part, or in which or in any portion of which a mining division lies; and it shall not be necessary that he shall possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace.

Power to settle disputes between licensees.

(2) Every Inspector shall have jurisdiction as a Justice of the Peace over all the territory comprised within the division for which he is appointed, and shall have power to settle summarily all disputes between licensees as to the existence or forfeitures of mining claims, and the extent and boundary thereof, and as to the use of water and access thereto, and generally to settle all difficulties, matters or questions between licensees which may arise under this Act; and the decision of such Inspector, in all cases under this Act, shall be final, except where otherwise provided by this Act, or where another tribunal is appointed under the authority of this Act; and no case under this Act shall be removed into any Court by writ of *certiorari*. R.S.O. 1887, c. 31, s. 15.

Decision to be final.

Officers to have no interest in mining claims, etc.

27. No officer appointed under this Act shall, either directly or indirectly, purchase or be or become proprietor of, or interested in, any Crown lands or mining claim; and any such purchase or interest shall be void; and if an officer offends in the premises he shall forfeit his office and the sum of $500 for every such offence, to be recovered in an action by any person who sues for the same. R.S.O. 1887, c. 31, s. 41.

Penalty.

28.—(1)

Appointment of agents to sell mining lands.

28.—(1) The Lieutenant-Governor may from time to time appoint local officers or agents to receive applications for the sale of mining lands in their respective agencies and to carry out the provisions of any regulations and Orders in Council in that behalf, and to supply information to intending purchasers, and they shall be paid in such manner and at such rates as the Lieutenant-Governor in Council may direct.

(2) The Lieutenant-Governor in Council may from time to time make such regulations as he deems necessary or expedient for the purpose of carrying out this section. 53 V. c. 9, s. 2.

PART III—MINING CLAIMS.

MINER'S LICENSE.

Mining licenses.

29.—(1) The Director of the Bureau of Mines may on payment to the Department of Crown Lands of a fee of $5 and of one year's rent at the rate of one dollar per acre grant to the party applying for the same a license to be called a "miner's license."

Duration, etc., of licenses.

(2) Every miner's license shall be in force for one year from the date thereof, and shall not be transferable, except with the consent of the Director of the Bureau of Mines; and only one person shall be named therein, who shall be called the licensee, and who, before the expiration of the license, or within not later than ten clear days thereafter, shall have the right to a renewal of the license by the Director of the Bureau, on payment to him of the like fee of $5, or such other sum as may then be the fee fixed by law for miner's licenses, and one dollar per acre per annum rental.

Form

(3) A miner's license may be in the following form:—

PROVINCE OF ONTARIO.

No. (*Name of Division*) Mining Division. $

Bureau of Mines, (*Date.*) 18 .

Miner's License.

Issued to *A. B.*, in consideration of the payment of a fee of five dollars and of dollars for one year's rent of mining claim under the provisions of *The Mines Act, 1892*, to be in force for one year from the date hereof.

C. D.,
Director.

R. S. O. 1887, c. 31, s. 16.

Fee on renewal of lease.

(4) A miner's license shall not be renewed until after the payment of the fee of $5 and the annual rental.

30. A miner's license shall authorize the licensee personally, and not through another, to mine during one year from the date of the license, and from the date of any renewal thereof, on any mining claim marked or staked out by such licensee on Crown lands, as hereinafter provided; but any person or persons not occupying any other mining claim may be employed by the licensee to assist him in working such claim. R. S. O. 1887, c. 31, s. 17. Powers of licensee under licens

STAKING OUT AND HOLDING OF CLAIMS.

31. The licensee shall have the right to mark or stake out within the division mentioned in his license a mining claim on any Crown lands (not for the time being included in a mining claim occupied by another licensee), by planting a wooden or iron picket at each of the four corners thereof, or otherwise marking the same as may be directed by Order in Council, and to work the same. R. S. O. 1887, c. 31, s. 18. Licensee may mark out claim.

32. Each mining claim shall be of the following dimensions namely:— Dimensions of claims.

1. For one person, 660 feet along a vein or lode by 330 feet on each side thereof, measuring from the centre of the vein or lode, (ten acres more or less).
2. Companies of two or more persons who each hold a miner's license may stake out and work additional feet along a vein or lode by the above width in the proportion of 132 additional feet in length for every additional miner, not to exceed 1,320 feet in length altogether (twenty acres more or less), and may work the claim jointly. R.S.O. 1887, c. 31, s. 19.

33. Mining claims shall be laid out as far as possible uniformly, and in quadrilateral and rectangular shapes, and the measurements of all such claims shall be horizontal; and the ground included in every claim shall be deemed to be bounded under the surface by lines vertical to the horizon at the ends, except that every mining claim shall include and shall authorize the licensee to work every dip, spur and angle of the vein or lode laterally to the depth to which the same can be worked, with all the earth and minerals therein. R. S. O. 1887, c. 31, s. 20. Rules as to laying out claims.

34. Every Inspector appointed under this Act shall keep a book for the recording therein of mining claims, which book shall be open to inspection by any person on payment of a fee of twenty cents; and every licensee who has marked or staked out a mining claim under this Act shall within thirty days thereafter give notice thereof in writing to the Inspector of the division, stating the name of the licensee, and indicating by some general statement therein the locality of the mining claim, and shewing how and when the same was marked or Forfeiture of claims by failure to notify Inspector.

staked

staked out; and the Inspector shall thereupon forthwith record the particulars of the notice in the book; and, if the licensee fails to give notice to the inspector within the time aforesaid the mining claim so marked or staked out shall be deemed to be forfeited and abandoned, and all right of the licensee therein to cease. R. S. O. 1887, c. 31. s. 21.

Forfeiture by allowing claim to remain unworked.

35.—(1) A mining claim shall also be deemed to be forfeited and abandoned, and all right of the licensee therein to cease, in case the annual rent thereof at the rate of $1 per acre has not been prepaid, or if the mining claim remains unworked for the space of three months after the same has been first marked or staked out as aforesaid, or if the same at any time, after the expiration of three months, remains unworked for the space of fifteen days: Provided, however, that in case it is shewn to the satisfaction of the Inspector of the division, either before the expiration of the respective periods aforesaid or within fifteen days thereafter, that the non-working of such claim arose from the illness of the licensee, or other reasonable cause satisfactory to the Inspector, he may extend the time during which the mining claim may remain unworked for such further period of time as he thinks reasonable, and may in like manner thereafter, for reasonable cause established to his satisfaction, grant further extensions of the time during which the claim may remain unworked without being liable to forfeiture; and the Inspector shall forthwith enter in the said book all enlargements or extensions of the time granted by him. R.S.O 1887, c. 31, s. 22.

(2) If default is made by the licensee in the payment of rent the claim and license shall be dealt with as provided in section 16 of this Act in the case of a lease.

Exception where suspension of work ordered.

36. No mining claim within a division shall be considered unworked, within the meaning of the last section, during the time that an Order in Council directs that work on mining claims within such mining division may be suspended. R.S.O. 1877, c. 31, s. 23.

No person to occupy more than one claim

37. No person shall occupy at the same time more than one mining claim on Crown lands, except in the cases hereinafter provided for of registration of claims rendered temporarily unworkable. R.S.O. 1887, c. 31, s. 24.

License to be exhibited to inspector on demand.

38. Every licensee shall be held and required to produce and exhibit his license to the Inspector for the division, and to prove to the satisfaction of the Inspector that the license is in force, whenever required to do so by him. R.S.O. 1887, c. 31, s. 25.

Right of discovererof new mine.

39. The discoverer of a new vein or lode of ore or mineral shall be entitled to two mining claims of the area prescribed by the first sub-section of section 32 of this Act. R.S.O. 1887, c. 31, s. 26.

What deemed a discovery.

40. No person shall be considered a discoverer within the terms of the foregoing section unless the place of the alleged discovery is distant, if on a known vein or lode, at least three miles from the nearest known mine or discovery on the same vein or lode. R.S.O. 1887, c. 31, s. 27.

Party walls to be left between claims, and kept clear

Penalty.

41. A party wall of at least fifteen feet thick shall be left between adjoining claims on Crown lands, which party wall shall be used in common by all parties as a mode of access to the stream, where one exists; and the party wall shall not be obstructed by any person throwing soil, stone or other material thereon; and every person so obstructing the party wall shall be liable to a fine of not more than $5 and costs; and, in default of payment of the fine and costs, to be imprisoned for any period not more than one month. R.S.O. 1887, c. 31, s. 28

Person removing party wall to construct new mode of access to water.

42. If at any time it is found necessary or expedient to remove a party wall as aforesaid, the person so removing it shall, if required so to do, construct a new mode of access to the water in no wise more difficult as an approach than the one destroyed by the removal of the party wall, under a like penalty as provided in the next preceding section; and in case of a removal of a party wall the minerals found therein shall belong to the owners of the adjoining claims, each of whom shall own the half next to his claim. R.S.O. 1887, c. 31, s. 29

Crown lands licensees not to damage other claims.

Penalty.

43. No person mining upon Crown lands shall cause damage or injury to the holder of any other claim than his own by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing water which may be pumped or bailed or may flow from his own claim to flow into or upon such other claim, under a penalty of not more than $5 and costs; and, in default of payment of the fine and costs, he may be imprisoned for any period not more than one month R.S.O. 1887, c. 31, s. 30.

Provision for registration of claim rendered unworkable for a time.

44. In case a mining claim on Crown lands occupied by a licensee cannot be worked in consequence of an excess of water or other unavoidable cause, established to the satisfaction of the Inspector for the division, the Inspector shall, on the application of the licensee, and on receipt of $1, make an entry in the book to be kept by him as aforesaid of the cause or reason for the claim not being worked; and thereupon and upon the licensee planting a wooden or iron picket as near the centre of the claim as possible, upon which is cut or painted his name or initial letters of his name, the licensee may occupy and work another mining claim; but, in case the licensee does not return

and

and occupy the first mentioned claim within fifteen days after the adjacent or surrounding claim or claims have been shown to be workable, he shall forfeit all right and title to the said claim. R.S.O. 1887, c. 31, s. 31.

Penalty for removing picket.

45. Any person found removing or disturbing, with intent to remove, any stake, picket or other mark placed under the provisions of this Act, shall forfeit and pay a sum not exceeding $20 and costs; and, in default of payment of the fine and costs, may be imprisoned for any period not exceeding one month. R.S.O. 1887, c. 31, s. 32.

Offences and Penalties.

Appointment of constables in mining divisions.

46. Every Inspector appointed in and for a mining division under this Act may appoint any number of constables not exceeding four; and the persons so from time to time appointed shall be, and they are hereby constituted, respectively constables and peace officers for the purposes of this Act, for and during the terms and within the mining divisions for which they are appointed respectively. R.S.O. 1887, c. 31, s. 33.

Act respecting riots near public works to be in force in mining divisions.

Rev. Stat. c. 34.

47.—(1) The Lieutenant-Governor in Council may, as often as occasion requires, declare by proclamation that he deems it necessary that *The Act respecting Riots near Public Works* shall, so far as the provisions therein are applicable, be in force within any mining division or divisions; and upon, from and after the day to be named in any such proclamation section 1 and sections 3 to 11 inclusive of the said Act shall, so far as the provisions thereof can be applied therein, take effect within the mining division or mining divisions designated in the proclamation; and the provisions of the said Act shall apply to all persons employed in any mine, or in mining within the limits of such mining division or divisions, as fully and effectually to all intents and purposes as if the persons so employed had been specially mentioned and referred to in the said Act.

(2) The Lieutenant-Governor in Council may in like manner from time to time declare the said Act to be no longer in force in such mining division or divisions; but this shall not prevent the Lieutenant-Governor in Council from again declaring the same to be in force in any such mining division or mining divisions; and no such proclamation shall have effect within the limits of any city. R.S.O. 1887, c. 31, s. 34.

Penalty for contravening this Act.

48. Every person contravening this Part of this Act or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall, for every day on which such contravention occurs, or continues or is repeated, incur a fine of not more than $20 and costs; and, in default of payment of the fine and costs, he may be imprisoned for a term of not more than one month. R.S.O. 1887, c. 31, s. 36.

49.

49. Every Inspector for a mining division may convict upon view of any of the offences punishable under the provisions of this Part of this Act or any regulations made under it. R.S.O. 1887, c. 31, s. 37. Inspector may convict on view.

50. The contravention on any day of any of the provisions of this Part of this Act, or of any regulation made under it, shall constitute a separate offence and may be punished accordingly. R.S.O. 1887, c. 31, s. 38. Separate offence.

51. Fees, penalties and fines received under this Act, and the costs of all such convictions as take place before any Inspector or Magistrate appointed under this Act, shall form part of the consolidated revenue fund of this Province, and be accounted for and otherwise dealt with accordingly; and the expenses of carrying this Act into effect in any mining division or mining divisions shall be paid by the Lieutenant-Governor out of the said consolidated revenue fund. R.S.O. 1887, c. 31, s. 39. Application of fees, fines and penalties.

52. The Inspector of any mining division, or any two Justices of the Peace having jurisdiction in the locality, may try and summarily convict any person guilty of any offence under this Part of this Act, or of any breach of the provisions thereof, to which any fine or penalty or forfeiture of money is attached, and shall have all the powers of Justices of the Peace under *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*; but this section shall not be construed to give jurisdiction to try or summarily convict for any breach of the provisions of section 27 of this Act. R. S. O. 1887, c. 31, s. 40. Mode of trial by Inspector or Justices.

PART IV—MINING REGULATIONS.

53. This Part shall not apply to any mine unless more than six persons other than the owner are employed under ground, nor to stone quarries; but nevertheless the owners or agents of such mines shall observe and keep the provisions of sections 54 and 55 of this Act, and in case of non-observance thereof shall incur the penalties provided for by section 69 of this Act. 53 V. c. 10, s. 2. Application of this Part.

Employment of Women and Children.

54. No boy under the age of fifteen years shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground; and no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work in or about any mine. 53 V. c. 10, s. 4. Employment of women and children.

Hours of employment of boys.

55. A boy or male young person of the age of fifteen and under the age of seventeen years shall not be employed in or allowed to be for the purpose of employment in any mine to which this Part applies below ground for more than forty-eight hours in any one week, or more than eight hours in any one day, or otherwise than in accordance with the regulations following, that is to say:

1. The period of such employment shall be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface.
2. A week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. 53 V. c. 10, s. 5.

Register to be kept of boys and male young persons employed.

56. The owner or agent of every mine to which this Part applies shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name, age, residence and date of the first employment of all boys or of all male young persons of the age of fifteen and under the age of seventeen years who are employed in the mine below ground, and shall produce such register to any Inspector at the mine at all reasonable times when required by him, and allow him to inspect and copy the same. The immediate employer of every boy or male young person of the age aforesaid, other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Part applies below ground, shall report to the owner or agent of such mine, or some person appointed by such owner or agent, that he is about to employ him in such mine. 53 V. c. 10, s. 6.

Employment of young persons in connection with engines.

57. Where there is a shaft, inclined plane, or level in any mine to which this Part applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down or along such shaft, plane or level by means of any engine, windlass or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless he is a male of at least twenty years of age. Where the engine, windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the engine, windlass or gin, but such driver shall not be under sixteen years of age. 53 V. c. 10, s. 7.

Penalty for employment of persons contrary to Act.

58.—(1) If any person contravenes or fails to comply with any provision of this Act with respect to the employment of women, girls, young persons or boys, or to the register of or report respecting boys and male young persons, or to the em-

ployment

ployment of persons about any engine, windlass or gin, he shall be guilty of an offence against this Act, and in case of any such contravention, or non-compliance by any person whomsoever in the case of any mine, the owner and agent of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this Act to prevent such contravention or non compliance.

(2) If it appears that a boy or young person or person employed about an engine, windlass or gin was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, and the parent or guardian shall for such misrepresentation be deemed guilty of an offence against this Act. 53 V. c. 10, s. 8.

Payment of Wages.

Prohibition of payment of wages at public houses, etc.

59.—(1) No wages shall be paid to any person employed in or about any mine to which this Part applies at or within any public house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house of entertainment, or any office, garden or place belonging or contiguous thereto or occupied therewith.

(2) Every person who contravenes, or fails, or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Act, and in the event of any such contravention or non-compliance in the case of any mine by any person whomsoever the owner and agent of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent such contravention or non-compliance. 53 V. c. 10, s. 9.

Annual Report of Statistics.

Returns by owners and agents of mines.

60.—(1) The owner or agent of every mine to which this Part applies shall, on or before the first day of December in every year, send to the Bureau of Mines a correct return for the year ending on the preceding 31st day of October of the number of persons ordinarily employed in or about such mine below ground and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in statute weight of

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the mineral dressed, and of the undressed mineral which has been sold, treated or used during that year, and the value or estimated value thereof.

(2) The return shall be in such form as may be from time to time prescribed by the Director of the Bureau, who shall furnish forms for the purpose of such return.

(3) Every owner or agent of a mine who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. 53 V. c. 10, s. 10.

PREVENTION OF ACCIDENTS.

Notice of accidents in mines to be sent to Bureau of Mines.

61. Where in or about any mine to which this Act applies whether above or below ground, either

1. Loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or of any steam boiler; or
2. Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever, the owner or agent of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the Director of the Bureau of Mines, and shall specify in such notice the character of the explosion or accident and the number of persons killed and injured respectively.

Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the Inspector within twenty-four hours after such death comes to the knowledge of the owner or agent. Every owner or agent who fails to act in compliance with this section shall be guilty of an offence against this Act. 53 V. c. 10, s. 11.

Notice of opening and abandonment of mine to be given.

62. In any of the following cases, namely:

1. Where any working is commenced for the purpose of opening a new shaft for any mine to which this Part applies;
2. Where a shaft of any mine to which this Part applies is abandoned, or the working thereof discontinued;
3. Where the working of a shaft of any mine to which this Part applies is recommenced after an abandonment or discontinuance for a period exceeding two months; or
4. Where any change occurs in the name of a mine, or in the name of the owner or agent of a mine to which this Part applies, or in the officers of any incorporated company which is the owner of a mine to which this Part applies;

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The owner or agent of such mine shall give notice thereof to the Inspector within two months after such commencement, abandonment, discontinuance, recommencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act; provided that this section shall apply only to any working or mine in which more than twelve persons are ordinarily employed below ground 53 V. c. 10, s. 12.

Fencing of abandoned mine.

63.—(1) For the prevention of accidents, where any mine to which this Part applies is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred the owner thereof, and every other person interested in the minerals of the mine, shall cause the top of the shaft and any side entrance from the surface to be and to be kept securely fenced; or shall cause a sign-board to be strongly nailed to a post not less than eight feet high at the top of the shaft, and at any side entrance from the surface, on which there shall be painted in conspicuous letters in durable material the words "Abandoned Mining Shaft." Provided that— Proviso.

1. Subject to any contract to the contrary, the owner of the mine shall, as between him and any other person interested in the minerals of the mine, be liable to carry into effect this section, and to pay any costs incurred by any other person interested in the minerals of the mine in carrying this section into effect.

2. Where such abandonment or discontinuance has occurred in the case of a mine before the 7th day of April, 1890, this section shall apply only to such shaft or side entrance of the mine as is situate within fifty yards of any highway, road, footpath or place of public resort, or in open or unenclosed land; or, not being situate as aforesaid, is required by an Inspector in writing to be fenced on the ground that it is specially dangerous.

(2) If any person fail to act in conformity with this section he shall be guilty of an offence against this Part, and any shaft or side entrance which is not fenced, or in respect of which the said signboard is not nailed up and kept nailed up as aforesaid as required by this section, and is within fifty yards of any highway, road, footpath or place of public resort, or is in open or unenclosed land, or is required by an Inspector as aforesaid to be fenced, shall be deemed to be a nuisance. 53 V. c. 10, s. 13.

Inspector not to be interested in mines.

64. No person shall be appointed or authorized to be qualified to act as an Inspector who practices or acts or is a partner of any person who practices or acts as a mining agent, or who is employed by the owners of or is interested in any mine. 53 V. c. 10, s. 14.

POWERS

POWERS AND DUTIES OF INSPECTOR.

Powers of Inspectors.

65.—(1) An Inspector under this Act shall have power to do all or any of the following things, namely:

1. To make such examination and enquiry as may be necessary to ascertain whether the provisions of this Part relating to matters above ground or below ground are complied with in the case of any mine to which this Part applies.

2. To enter, inspect and examine any mine to which this Part applies, and every portion thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine.

3. To examine into and make enquiry respecting the state and condition of any mine to which this Part applies, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof or any matter, thing or practice to be dangerous or defective, and to require the same to be remedied within the period of time named in such notice, and unless the cause of danger be removed or such defect be remedied within the time named, the owner or agent shall be guilty of an offence against this Act. 53 V. c. 10, s. 15.

4. To exercise such other powers as may be necessary for carrying this Part into effect.

Penalty for obstructing Inspector.

(2) Every person who wilfully obstructs any Inspector in the execution of his duty under this Act, and every owner and agent of a mine who refuses or neglects to furnish to the Inspector the means necessary for making any entry, inspection, examination or enquiry under this Act in relation to such mine, shall be guilty of an offence against this Act. 53 V. c. 10, s. 15.

Plans to be produced on inspection of mine.

66. On the occasion of any examination or inspection of a mine the owner shall, if required so to do, produce to the Inspector or any other person duly authorized by the Commissioner of Crown Lands, an accurate plan of the workings thereof; every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection and the owner shall, if required by such Inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the Inspector to take a copy or tracing thereof. 53 V. c. 10, s. 24.

67.

67. Every Inspector under this Act shall make an annual report of his proceedings during the preceding year to the Director of Mines, which report shall be laid before the Legislative Assembly. The Commissioner of Crown Lands may at any time direct an Inspector to make a special report with respect to any accident in a mine to which this Act applies, which accident has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient. 53 V. c. 10, s. 16. Reports of Inspector.

68. In the event of a vacancy in the office of Mining Inspector any notice by this Act required to be given to such officer shall be given to the Director of the Bureau of Mines. 53 V. c. 10, s. 17. Service of notices pending appointment of Inspector.

Penalties.

69. Every person employed in or about a mine other than an owner or agent who is guilty of any act or omission which in the case of an owner or agent would be an offence against this Part shall be deemed to be guilty of an offence against this Act, and shall be liable to a penalty not exceeding, if he is an owner or agent, fifty dollars, and if he is any other person ten dollars for each offence; and if an Inspector has given written notice of any such offence, to a further penalty not exceeding five dollars for every day after such notice that such offence continues to be committed. 53 V. c. 10, s. 18. Penalties.

70. Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose, and Limitation of prosecutions and form of information.

1. The description of any offence under this Act in the words of this Act shall be sufficient in law.
2. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant. 53 V. c. 10, s. 19.

71. No prosecution shall be instituted against the owner or agent of a mine to which this Part applies for any offence under this Act except by an Inspector, the county or district attorney, or with the consent in writing of the Attorney-General; and in the case of any offence of which the owner or agent of a mine is not guilty, if he proves that he had taken all reasonable means to prevent the commission thereof an In- Prosecution for offences.

spector

spector shall not institute any prosecution against such owner or agent if satisfied that he had taken such reasonable means as aforesaid. 53 V. c. 10, s. 20.

Prosecution under other Acts.

72—(1) Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2) If the court before whom a person is charged with an offence under this Act thinks that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken. 53 V. c. 10, s. 21.

Manner in which prosecutions may take place.

73. All prosecutions for the punishment of any offence under this Act may take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed, or before a Police or Stipendiary Magistrate, and the forms appended to an Act of the Parliament of Canada entitled *An Act Respecting Summary Proceedings before a Justice of the Peace*, or forms to the like effect or similar thereto, shall in all cases be sufficient. 53 V. c. 10, s. 22.

General Rules.

General rules

74. The following general rules shall, so far as may be reasonably practicable, be observed in every mine to which this Part applies.

Ventilation.

1. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables and working places of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

Gunpowder and blasting.

2. Gunpowder, dualine, dynamite or other explosive or inflammable substance shall only be used underground in the mine as follows:

a. It shall not be stored in the mine in any quantity exceeding what would be required for use during six working days.

b. It shall not be taken for use into the workings of the mine except in a securely covered case or canister, containing not more than eight pounds.

c. A workman shall not have in use at one time in any one place more than one of such cases or canisters.

d. In charging holes for blasting, saving in mines excepted from the operation of this section by the Commissioner of Crown Lands, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder.

e. A charge of powder which has missed fire shall not be unrammed.

f. A charge which has missed fire may be drawn by a copper pricker, but in no case shall any iron or steel tool be used for the purpose of drawing or drilling out such charge.

Man-holes in self-acting or engine planes.

3. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case at intervals of not more than twenty yards with sufficient man-holes for places of refuge.

Spaces in horse roads.

4. Every road on which persons travel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the wagons running on the tramroad and the side of the road ; and the Commissioner of Crown Lands may, if he see fit, require the Inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid.

Keeping spaces clear.

5. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

Fencing of old shafts.

6. The top of every shaft which was opened before the commencement of the actual working for the time being of the mine and has not been used during such actual working shall, unless the Inspector otherwise permits, be securely fenced, and the top of every other shaft which for the time being is out of use, or used only as an air shaft, shall be securely fenced, or in either case due notice shall be given by nailing up a sign-board as in this Act is hereinbefore provided, as the Inspector shall direct.

Fencing of entrances to shafts.

7. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

Securing of shafts.

8. Where the natural strata are not safe, every working or pumping shaft, adit, tunnel, drive, roadway or other workings shall be securely cased, lined or timbered, or otherwise made secure.

Safety from water.

9. Every mine shall be provided with proper and sufficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

Division of shaft.

10. Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man engine, and another portion of the same shaft is used for raising the material gotten in the mine, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion.

Signalling.

11. Every working shaft in which persons are raised shall, if exceeding fifty yards in depth, and not exempted in writing by the Inspector, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in work between the surface and the bottom of the shaft.

Cover overhead.

12. A sufficient cover overhead shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the Inspector.

Chains.

13. A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load.

Slipping of rope on drum.

14. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.

Brake.

15. There shall be attached to every machine worked by steam, water or other mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft.

Inclination of ladders.

16. A proper footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft where no machinery is used for raising or lowering persons ; and every such ladder shall have substantial platforms at intervals of not more than forty feet, and no such ladder shall be fixed for permanent use in a vertical or overhanging position unless in shafts used exclusively for pumping. In every mine in which vertical or overhanging ladders shall be in use in the shaft at the time

when

when these rules shall be applied to it, they may be retained provided securely fixed platforms be constructed at intervals of not more than 30 feet from each other, and such ladders have sufficient spaces for footholds of not less than six inches.

Dressing room.

17. If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine house or boiler house, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Fencing machinery.

18. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.

Gauges to boilers and safety-valves.

19. Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Wilful damage.

20. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve or other appliance or thing provided in any mine in compliance with this Act.

Contravention of rules to be an offence.

21. Every person who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies by any person whomsoever being proved, the owner and agent of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine to prevent such contravention or non-compliance. 53 V. c. 10, s. 23.

Punishment for defacing notices.

75. Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owner or agent shall be guilty of an offence against this Act. 53 V. c. 10, s. 25.

Repealed Statutes.

76. Chapter 31 of the Revised Statutes of Ontario, 1887, chapters 9 and 10 of the Statutes of 53 Victoria, and chapter 8 of the Statutes of 54 Victoria are hereby repealed except in so far as may be necessary for the completion of transactions begun thereunder.

CHAPTER

CHAPTER 10.

An Act for the Protection of the Provincial Fisheries.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of Act.

1. This Act shall apply only to fishing in waters, and to waters over or in respect of which the Legislature of this Province has authority to legislate for the purposes of this Act.

Interpretation "Waters."

2.—(1) "Water or waters," or "Provincial water or waters" shall mean and include such of the waters of any lake, river, stream or water course wholly or partly within the Province as flow over or cover any Crown lands and over or in respect of which the Legislature of this Province has authority to legislate for the purposes of this Act.

"Crown Lands."

(2) "Crown lands" shall mean and include such ungranted lands of the Crown or public lands or Crown domain as are within and belong to the Province of Ontario and whether or not any waters flow over or cover the same.

"Fish."

(3) "Fish" shall mean and include every kind, species or variety of fish in respect of the catching or killing of which within the Province the Legislature has authority to legislate.

"Bass."

(4) The word "bass" where used herein shall mean and include black bass and Oswego or large mouth bass.

"Close season."

3. The words "the close season" when used herein shall mean and include the time in any year during which fishing for, catching or taking in any Provincial water, or killing, carrying away or buying or selling or having in possession the kind or species of fish hereinafter named, or any of them, is prohibited, or regulated by the laws or fishing regulations of Canada.

"Tourist," "summer visitor."

4. The word "tourist" or "summer visitor" when used in this Act shall include all persons who may, during the spring, summer or autumn months be temporarily visiting, boarding or lodging in any locality at a distance of over five miles from their usual place of residence in other parts of the year.

Number of bass which may be killed in one day.

5. No tourist or summer visitor shall take or catch or kill in any Provincial water or carry away a greater number than one dozen bass caught or taken in such waters upon any one day.

6.

Person catching small bass to return same to water.

6. Any summer tourist who shall take or catch in such waters bass of less than 10 inches in length, shall forthwith return the same to the water without unnecessary injury.

Number and weight of trout which may be killed in one day.

7. No person shall take or catch or kill in any Provincial waters or carry away a greater number than fifty speckled or brook trout on any one day, or more speckled or brook trout than in the aggregate weigh more than fifteen pounds, on any one day.

Person catching small trout to return same to water.

8. No person shall in such waters kill or retain or carry away any speckled or brook trout of less than five inches in length. But when any such trout of a length less than five inches shall be taken or caught, the same shall be forthwith returned to the water by the person taking or catching the same, without unnecessary injury.

Certain fish to be caught with hook and line only.

9. No person shall at any time fish for, catch or kill speckled trout or brook trout, bass, pickerel (doré), maskinonge or muscallonge in such waters by other means than angling by hook and line in such waters.

Use of certain snares and nets prohibited.

10. No person shall take, catch or kill from or in such waters lake trout, salmon trout, whitefish, sturgeon or any other kind of fish which inhabit said waters, or attempt so to do, with any kind of net, seine or snare, rack, trap or weir, or night or set line, or fish in any such inland waters therewith for other kinds of fish without first having obtained a license, signed by the Commissioner of Crown Lands or by one of the Game and Fish Inspectors or by a fishery overseer duly authorized to grant such license, under a penalty for the first offence of not less than $10 or more than $50, and for a second or subsequent offence of not less than $20 or more than $100. But this section shall not apply to mullet or suckers or pike while they are running.

Fish not to be taken in mill-heads, etc.

11. No person shall catch, kill or molest fish in such waters when passing or attempting to pass through any fishway or fish-pass, or when surmounting any obstacle or leaps, nor use any invention to catch, kill or molest fish in the mill-heads and watercourses appurtenant thereto.

Use of explosives in fishing prohibited.

12.—(1) No person shall use dynamite or any other explosive or any poison for the purpose of destroying or taking fish in or from said waters, under a penalty of $100 and two months' imprisonment in the county or district gaol for each offence.

(2) No person shall use lime or other injurious substance for the purpose of injuring, killing or taking fish in or from said waters, under a penalty of $50 and imprisonment not exceeding three months in the county or district gaol in default of payment.

13.—(1)

Penalty for fishing during close season.

13.—(1) No person shall fish for, catch, take or kill in such waters any kind or species of fish during the "close season," as by law or regulation the same is fixed or determined for or in respect of that particular kind or species of fish, or buy, sell or have in his possession at any time after the expiration of five days from the beginning of the close season in any year any of such kinds or species of fish caught in such waters under a penalty of not less than $10 nor more than $30, and a further penalty of $1 for each fish so caught or taken or found in possession after the expiration of such five days.

Licenses to settlers and Indians to use night lines, etc.

14.—(1) The Lieutenant-Governor-in-Council may by regulation provide for the issue of licenses, free of charge, to frontier settlers in any of the said districts or in any new part of the Province, or to any Indians residing on any reserve, or to any band of Indians residing on a reserve, to take fish in such waters other than speckled or brook trout or black or other bass, by net or night or set line with not more than five set lines, exclusively for use and consumption by their own families, and any settler or other person to whom such license is issued who shall sell or barter fish caught under such license shall be subject to a penalty and to forfeiture of his license.

(2) Provided nevertheless that nothing herein contained shall prejudicially affect any rights specially reserved to or conferred upon Indians by any treaty or regulation in that behalf made by the Government of Canada nor shall anything herein apply to or prejudicially affect the rights of Indians in any portion of the territory of the Province as to which their claims have not been surrendered or extinguished.

Fish and game commissioners to have supervision of fisheries.

15. The Fish and Game Commissioners who may be hereafter appointed shall have a general oversight or supervision over the fisheries of the Province, subject to any existing Acts of the Legislature, and to such regulations as shall from time to time be made by the Lieutenant-Governor in Council. But nothing herein contained nor the appointment of such Commissioners or the assignment of duties to them shall abrogate or interfere with the powers and authority conferred upon the Lieutenant-Governor or the Lieutenant-Governor in Council or the Commissioner of Crown Lands by *The Ontario Fisheries Act*.

Rev. Stat. c. 32.

Powers and duties of commissioners.

16. Subject to such regulations, such Commissioners shall examine or cause to be examined dams and all other obstructions existing in rivers and streams flowing over or upon the lands of the Crown, and prescribe the necessity of fishways and the location, form and capacity thereof, examine into and report upon the best methods of introducing and disseminating valuable species of fish into waters where they do not exist, and of protecting and increasing the production of such valuable species as are to be found in the waters

of

of the Province, and may cause experiments to be made and spawn to be placed in suitable waters, and may re-stock streams with fish suitable for food, and may take and employ such means for the purposes aforesaid as may be required by such general regulations, and as shall be approved by the Lieutenant-Governor.

Commissioners to direct prosecution and to report.

17. Such Commissioners shall also examine into the workings of the fishery laws and direct prosecutions of offences against the same and report annually to the Lieutenant-Governor and perform any other duties which may be prescribed by law or regulations.

Property in fish artificially propagated.

18. Fish artificially propagated or maintained shall be the property of the person propagating or maintaining them, and sections 5 to 10 inclusive of this Act shall not apply thereto.

Fishing in private waters without permission

19. Whoever without permission of the proprietor fishes in that portion of a pond, stream or other waters in which fish are lawfully cultivated, owned and maintained by a private owner, or lessee shall render himself liable to a fine of not less than $5 and not more than $20, and to a further penalty in each case of $1 for each fish so taken.

Fish taken for scientific purposes.

20. The Commissioners may take or cause to be taken fish at any time and in any manner for purposes connected with fish culture or scientific observation.

Penalties.

21. Any violations of the provisions of sections 5, 6, 7, 8, 9, 11 or 14 of this Act, or any other section to which no specific penalty is attached, shall subject the offender to a penalty of not less than $10 or more than $30, to be recovered upon summary conviction.

Who may be prosecutor or complainant

22. Any person may be the prosecutor or complainant in prosecutions under this Act, and it shall be the duty of every fishery overseer and fire and wood ranger, constable and peace officer to aid in the observance of the provisions of this Act and in bringing offenders to justice.

Committal upon non-payment of fine.

23. In default of the payment of any penalty imposed by this Act and costs by any person convicted of any offence under this Act, the offender may be committed to the common gaol of the district or county where the offence was committed for a period not exceeding three months, unless the penalty and costs and the costs and charges of the commitment and carrying the defendant to prison are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison are to be ascertained and stated in the warrant of commitment.

Evidence.

24. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding

notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant shall also be a competent and compellable witness.

Who may hear and determine complaints where penalty is less than $30.

25. All prosecutions for the punishment of any offence under this Act, for which offence the penalty does not exceed the sum of $30, and imprisonment or imprisonment at hard labor in default of payment thereof and of the costs may take place before any fishery overseer, stipendiary or police magistrate, or one or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed.

In other cases.

26. All prosecutions for the punishment of any offender under this Act other than those in the next preceding section mentioned, may take place before any stipendiary or police magistrate, or any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed, or before any one of such justices and any fishery overseer.

Limitation of prosecutions.

27. Complaints or informations under this Act may be laid within three months from the date of the commission of the offence.

Application of fines and penalties.

28. One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty and may be devoted towards paying the expenses incurred in carrying out the provisions of this Act, and the other half thereof when collected shall be paid over to the prosecutor or informant, together with any costs which he may have incurred and which may be collected.

Fish taken or instruments used unlawfully to be forfeited.

29. All materials, implements and apparatus used, and all fish had or taken in contravention of this Act or any regulation made thereunder, may be seized and confiscated to Her Majesty for the use of the Province by any fishery overseer, on view or taken or removed by any other person for delivery to any magistrate or overseer, and the proceeds thereof may be applied to defraying the expenses incurred under this Act.

Procedure on prosecutions.

30. Save where otherwise provided by this Act, in so far as they are applicable, the provisions and forms of the Act entitled *An Act respecting summary convictions before Justices of the Peace* shall apply to prosecutions and proceedings under this Act except in proceedings on appeal and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter shall be governed by the "*Act Respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*," and no other appeal shall be had or shall lie save under the Act last aforesaid.

Rev. Stat. c. 75.

CHAPTER

CHAPTER 11.

An Act to amend The Division Courts Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Division Courts Amendment Act, 1892.*"

Rev. Stat., c. 51, s. 41 repealed.

2. Section 41 of *The Division Courts Act* is repealed and the following substituted therefor:—

Procedure where sureties of clerk or bailiff discontinue suretyship.

41. Any surety for a clerk or bailiff who intends to withdraw from his responsibility may give notice in writing of such his intention to the clerk or bailiff, as the case may be, and to the Judge of the county court, which notice may be served personally or left with some grown up person at the office or place of residence of the person to whom it is addressed, or may be deposited in Her Majesty's post office pre-paid and registered and addressed to such person at his usual post office address; and in such case the Judge shall forthwith on receipt thereof duly notify such clerk or bailiff, and the clerk or bailiff shall under penalty of forfeiture of his office (in addition to the suspension hereinafter mentioned) furnish the security of a new surety in lieu of the surety so giving notice, and shall have the necessary new bond or covenant approved by the judge and completed within one month after such notices have been so given to him and the said Judge; and in case such bond or covenant shall not be so approved and completed within such month, the said judge shall forthwith suspend such clerk or bailiff and report such suspension and the cause thereof to the Provincial Secretary and the Inspector of Division Courts, and all accruing responsibility on the part of the person giving such notice shall cease from and after the expiration of five weeks from the day on which such notices were so given, or the later of such notices if not given on the same day.

Rev. Stat. c. 51, s. 20, amended.

3. Section 20 of the said Act is hereby amended by striking out the words "legal offices" in the fifth line thereof and inserting in lieu thereof, the words "Division Courts."

Rev. Stat. c. 5, s. 248, repealed.

4. Section 248 of the said Act is repealed and the following substituted therefor:

Annual return of commitments of judgment debtors.

248. Every Division Court clerk shall make a return to the Inspector of Division Courts on or before the 15th day of January in every year, shewing the number of judgment debtors who, during the twelve months ending the 31st December previously, were ordered to be committed under each of the five heads mentioned in section 240 of this Act.

CHAPTER 12.

An Act reducing the number of Grand Jurors.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 V. c. 13 repealed.

1. The Act entitled *An Act respecting Grand Juries*, passed in the 42nd year of Her Majesty's reign, chaptered 13, is hereby repealed.

Number of grand jurors.

2. The precepts to the sheriff for the return of grand jurors for the sittings of the court of Oyer and Terminer and general gaol delivery, shall command the return of thirteen of such grand jurors and no more, and the panel of grand jurors for any of the aforesaid courts shall consist of thirteen grand jurors instead of fifteen as heretofore.

Rev. Stat. c. 52, schedule B amended.

3. The word "thirteen" shall be substituted for the words "twenty-four" wherever the latter words occur in schedule B to *The Jurors' Act.*

When Act shall take effect.

4. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

CHAPTER 13.

An Act to amend The Jurors' Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of The Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 52, s. 18 amended.

1. Section 18 of *The Jurors' Act* is amended by adding thereto the following sub-section:

Selection of jurors for city of Toronto and County of York.

(2) It shall not be necessary for the sheriff of York, the sheriff of Toronto, the senior judge of the county of York, a junior judge of said county, the warden of said county and the mayor of the city of Toronto, to attend together upon the selection of jurors directed by this section; but the sheriff of the county of York, the senior judge of said county and the warden of said county shall attend at such selection of

jurors

jurors so far as it is made from the lists prepared by the selectors for the local municipalities in the county of York, other than the city of Toronto ; and the sheriff of Toronto, the senior junior judge of the said county, and the mayor of the city of Toronto shall attend at such selection of jurors so far as it is made from the list prepared by the selectors for the city of Toronto. And any selection of jurors so made shall be deemed in all respects valid and effectual and a sufficient compliance with the provisions of this Act. Selectors whose attendance is hereby made unnecessary shall not be entitled to fees for such unnecessary attendance.

CHAPTER 14.

An Act to amend the Law of Evidence.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Evidence Act* is repealed and the following substituted therefor:— Rev. Stat. c. 61, s. 9, repealed.

(9) On the trial of any proceeding, matter, or question, under any Act of the Legislature of Ontario, or on the trial of any such proceeding, matter or question, before any justice of the peace, mayor, police magistrate, in any matter cognizable by such justice, mayor, or police magistrate, the party opposing or defending, or the wife or husband of the person opposing or defending shall be competent and compellable to give evidence therein. Evidence of parties and wives and husbands.

2. The provisions of the *Act respecting Official Documents when required as Evidence*, passed in the 53rd year of Her Majesty's reign, chaptered 21, are extended to registrars of the High Court of Justice, registrars of the Surrogate Court and clerks of the peace, and the said Act is hereby amended by inserting in the first line of section 1 thereof after the words "a registrar of deeds" the words "a registrar of the High Court of Justice, a registrar of the Surrogate Court, a clerk of the peace." 53 V., c. 21, application of extended—s. 1 amended.

CHAPTER

CHAPTER 15.

An Act respecting the duty of Sheriffs on arresting persons under Civil Process

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

32 Geo. II. c. 28, declared not to be in force in Ontario.

1. To remove doubts, it is hereby declared that a certain Act of the Imperial Parliament, passed in the 32nd year of the Reign of His late Majesty King George the Second, chaptered 28, and entitled "An Act for Relief of Debtors with respect "to the Imprisonment of their Persons: and to oblige Debtors "who shall continue in execution in Prison beyond a certain "length of time, and for sums not exceeding what are men- "tioned in the Act, to make discovery of and deliver upon "oath their estates for their creditors' benefit," is not, nor is any part thereof, in force in this Province.

Sheriff to allow debtor to be taken to house for twenty-four hours.

2. Notwithstanding such repeal, it shall be the duty of the sheriff at the request of a person arrested under civil process to grant to such person a delay of twenty-four hours after his arrest before committing him to gaol, and to take such person for the said twenty-four hours to some safe and convenient house in his shrievalty ; provided such person prepays to the sheriff a sum of money sufficient to cover the sheriff's reasonable fees and expenses incident to the delay.

Deposit of money instead of bail.

3. In lieu of giving bail, a person arrested either on execution or mesne process or any person on his behalf may deposit with the sheriff a sum of money equal to twenty-five per cent. more than the amount for which the debtor is arrested and the said money shall stand as a security in place of and for the purposes of the bond provided for by the 14th or 19th sections of *The Act respecting Arrest and Imprisonment for Debt*, or of the bail piece provided for by the Consolidated Orders (as the case may be), and the said money shall for the purposes aforesaid be subject to the Order of a Judge of the Court from which the process issued, as the case may require.

Rev. Stat. c. 67.

CHAPTER

CHAPTER 16.

An Act respecting County Police Magistrates.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment of county police magistrates.

1. Where the county council of a county passes a resolution affirming the expediency of the appointment of salaried police magistrates or a salaried police magistrate for the county or part of the county, the Lieutenant-Governor may from time to time make the appointment accordingly.

Salary.

2. The salary to be paid by the county to each police magistate shall not be less than $600, and shall be paid quarterly. Every such police magistrate shall also be entitled to be repaid by the County his reasonable and necessary travelling expenses while attending to his duties. The county council may at any time assign to a police magistrate a larger salary than is hereinbefore named.

Commission to define jurisdiction.

3. The commission appointing a police magistrate may define part of the county within which part alone in that case he shall have jurisdiction. Every police magistrate appointed under this Act shall go from place to place within the county or within the part thereof which is designated in his commission, as occasion may arise, for the performance of his duty as police magistrate.

Discontinuance of appointments.

4. In case the county council in not less than twelve months after the appointment of a police magistrate under this Act passes a resolution affirming the expediency in the opinion of the council of the discontinuance of a police magistrate or police magistrates under this Act, the commission of the police magistrate or police magistrates shall terminate at the end of the next quarter but one after the passing of such resolution.

Justices of the peace not to act where magistrates appointed.

5. In a county in which police magistrates are appointed under the preceding section no justice of the peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act in any case prosecuted under any statute of Ontario or within the district assigned to a police magistrate, except at the General Sessions of the Peace, or in the case of the illness or absence or at the request of such police magistrate.

Rev. Stat. c. 72, ss. 13 and 14, not to apply.

6. Sections 13 and 14 of the *Act respecting Police Magistrates*, shall not apply to counties in which police magistrates are appointed under this Act.

Jurisdiction.

7. The jurisdiction of a police magistrate appointed under this Act shall not apply to any city, town or village in the county which has a police magistrate of its own, nor to any case in which the initiatory proceedings are taken by or before the last mentioned or local police magistrate.

Act incorporated with Rev. Stat. c. 72.

8. This Act shall be read as part of the Revised Act respecting police magistrates.

CHAPTER 17.

An Act respecting the Fees of Certain Public Officers.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation of "net income."

1. For the purposes of this Act "net income" shall mean the excess of all fees and emoluments, including receipts in the current year whether on account of the earnings and salary of such year or of any former year or years after this Act goes into effect, by an officer by virtue of all his offices after deducting the disbursements incident to the business of the office or offices held by him.

Division Court clerks' fees up to $1,500.

2. Subject to the provisions of *The Division Courts Act* as to payments on gross income to the Provincial Treasurer and to section 1 of this Act every Division Court clerk shall be entitled to retain to his own use in each year his net income up to $1,500.

Percentage payable to Provincial Treasurer.

3. Of the further net income of each year he shall pay to the Provincial Treasurer for the purposes hereinafter mentioned, the following percentages on the net income over $1,500, viz.:

Excess of $1,500.

(*a*) On the excess over $1,500, not exceeding $2,000, ten per cent. thereof.

Excess of $2,000.

(*b*) On the excess over $2,000, not exceeding $2,500, twenty per cent. thereof.

Excess of $2,500.

(*c*) On the excess over $2,500, not exceeding $3,000, thirty per cent. thereof.

Excess of $3,000.

(*d*) On the excess over $3,000, forty per cent. thereof.

Local registrars, deputy clerk of the Crown, County Court clerk and Surrogate registrars' fees up to $2,000.

4. Every local registrar of the High Court, deputy clerk of the Crown, County Court clerk and Surrogate registrar shall be entitled to retain to his own use in each year the aggregate net income from all the offices held by him up to $2,000.

Percentage payable to Provincial Treasurer.

5. Of the further net income of each year he shall pay to the Provincial Treasurer for the purposes hereinafter mentioned the following percentages on the net income over $2,000, viz.:—

Excess of $2,000.

(*a*) On the excess over $2,000, not exceeding $2,500, ten per cent. thereof.

Excess of $2,500.

(*b*) On the excess over $2,500, not exceeding $3,000, twenty per cent. thereof.

Excess of $3,000.

(*c*) On the excess over $3,000, not exceeding $3,500, thirty per cent. thereof.

Excess of $3,500.

(*d*) On the excess over $3,500, forty per cent. thereof.

Registrars' fees up to $2,500.

6. Subject to the provisions of *The Registry Act* as to payments on gross income to municipalities and to this Act, every Registrar of Deeds shall be entitled to retain to his own use in each year his net income up to $2,500.

Percentage payable to Provincial Treasurer.

7. Of the further net income of each year he shall pay to the Provincial Treasurer for the purposes hereinafter mentioned the following percentages on the net income over $2,500, viz.:—

Excess of $2,500.

(*a*) On the excess over $2,500, not exceeding $3,000, ten per cent. thereof.

Excess of $3,000.

(*b*) On the excess over $3,000, not exceeding $3,500, twenty per cent. thereof.

Excess of $3,500.

(*c*) On the excess over $3,500, not exceeding $4,000, thirty per cent. thereof.

Excess of $4,000.

(*d*) On the excess over $4,000, forty per cent. thereof.

Sheriffs' fees up to $3,000.

8. Every sheriff shall be entitled to retain to his own use in each year his net income up to $3,000.

Percentage payable to Provincial Treasurer.

9. Of the further net income of each year he shall pay to the Provincial Treasurer, for the purposes hereinafter mentioned, the following percentages on the net income over $3,000, viz.:

Excess of $3,000.

(*a*) On the excess over $3,000 not exceeding $3,500, ten per cent. thereof.

Excess of $3,500.

(*b*) On the excess over $3,500 not exceeding $4,000, twenty per cent. thereof.

Excess of $4,000.

(*c*) On the excess over $4,000 not exceeding $4,500, thirty per cent. thereof.

Excess of $4,500.

(*d*) On the excess over $4,500, forty per cent. thereof.

Returns to be made to Provincial Treasurer.

10. On the 15th day of January in each year every officer affected by this Act shall transmit to the Provincial Treasurer a return under oath, of all fees and emoluments, including

salary

salary, if any, whether received in cash or not, and also the disbursements incident to the business of his office or offices, up to and including the 31st day of December of the previous year; and shall with such return transmit to the said Provincial Treasurer such proportion of the fees and emoluments received by him during the preceding year as he is required under this Act to pay to the said Treasurer.

Application of moneys received by the Province.

11. The moneys referred to in the last preceding section when received shall belong to and form part of the consolidated revenue of the Province, and the fund derived therefrom shall be applied toward covering expenses of inspection, audits and other charges in carrying out the provisions of this and any other Act relating to the duties of the said officers.

Fees of sheriffs as returning officers.

12. Nothing herein contained shall be construed to apply to the fees or emoluments of any registrar or sheriff received on account of services as returning officer under the election Acts of the Province of Ontario or Canada.

Lieutenant-Governor may make rules for management of offices, and confer certain powers on inspectors.

13. The Lieutenant-Governor in Council may make rules and regulations for the management of the offices of the said officers, and may, by such rules, confer on the inspectors such powers as may be deemed necessary for carrying out the provisions of this and all other Acts relating to the duties of the said officers. All such rules and regulations shall be laid before the Legislative Assembly within the first ten days of the session next after the making thereof.

Disbursements to be subject to revision of inspectors.

14. The disbursements of the said officers shall be subject to the revision of the inspectors thereof respectively, and for the purposes of such revision an inspector shall have power to take evidence and examine witnesses under oath.

Commencement of Act.

15. This Act shall go into effect on the 1st day of January, 1893.

CHAPTER 18.

An Act respecting the Courts in Algoma and Thunder Bay.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Actions beyond the County Court jurisdiction.

1. Where any cause of action in the District Court of Algoma or of Thunder Bay is beyond the jurisdiction possessed by county courts, sections 42 and 47 of *The County Courts Act*

shall

shall not apply to decisions or orders made in chambers, but the parties shall have the same right of appeal as if such actions or matters were in the High Court.

Sittings of the High Court.

2. Two sittings of the High Court shall be held each year after the present year at Sault Ste. Marie and Port Arthur, instead of one sitting as heretofore, and neither thereof is to be held in the long vacation; but if the judges, on enquiry, ascertain on any occasion that any of such sittings are not required for the administration of justice it shall not be necessary to hold the same, or to appoint a day for holding the same.

Sittings of District Court and General Sessions.

3. The times for holding sittings of the District Court and General Sessions of the Peace of Thunder Bay at Port Arthur shall hereafter be the third Tuesday of the month of May, and at Rat Portage the second Tuesday of the month of October, instead of the second Tuesday of the month of June and the fourth Tuesday of the month of November named in sections 59 and 72 of *The Unorganized Territory Act.* Rev. Stat. c. 91.

CHAPTER 19.

An Act for the further Protection of Bees.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Use of poison in spraying fruit trees in bloom prohibited.

1. No person in spraying or sprinkling fruit trees during the period within which such trees are in full bloom shall use or cause to be used any mixture containing Paris green or any other poisonous substance injurious to bees.

Penalties.

2. Any person contravening the provisions of this Act, shall on summary conviction thereof before a justice of the peace, be subject to a penalty of not less than $1 or more than $5 with or without costs of prosecution, and in case of a fine or a fine and costs being awarded, and of the same not being upon conviction forthwith paid, the justice may commit the offender to the common gaol, there to be imprisioned for any term not exceeding thirty days unless the fine and costs are sooner paid.

Commencement of Act.

3. This Act shall not come into force until the first day of January, 1893.

CHAPTER

CHAPTER 20.

An Act to amend the law relating to Mortmain and Charitable Uses.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Mortmain and Charitable Uses Act, 1892.*"

Application of Act.

2. So far as this Act applies to wills, the same shall only apply to wills of testators dying after the passing of this Act.

"Land," meaning of.

3. "Land" in this Act shall include tenements and hereditaments, corporeal and incorporeal, of any tenure; but not money secured on land or other personal estate arising from or connected with land.

Land devised to charity to be sold.

4. Land may be devised by will to or for the benefit of any charitable use, but, except as hereinafter provided, such land shall, notwithstanding anything in the will contained to the contrary, be sold within two years from the death of the testator, or such extended period as may be determined by the High Court or a Judge thereof in chambers.

Where land remains unsold after expiration of two years.

5. So soon as the time limited for the sale of any land under any such devise shall have expired without the completion of the sale of the land, the land shall vest forthwith in the Accountant of the Supreme Court of Judicature for Ontario; and the High Court shall cause the same to be sold, or the sale completed (as the case may be) with all reasonable speed by the administering trustees for the time being thereof; and for this purpose may make orders directing such trustees to proceed with the sale or completion of the sale of such land, or removing such trustees and appointing others, and may provide by any such order or otherwise for the payment of the proceeds of the sale to the said trustees in trust for the charity, and for the payment of the costs and expenses incurred by the said trustees or otherwise in or connected with such sale and proceedings.

Personal estate directed to be laid out in land.

6. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of any charitable uses shall, except as hereinafter provided, be held to or for the benefit of the charitable uses as though there had been no direction to lay it out in the purchase of land.

7.

Power to retain land in certain cases.

7. The High Court, or a Judge thereof sitting in chambers, if satisfied that land devised by will to or for the benefit of charitable use, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the charity, and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land.

Mortmain Acts not to apply to impure personalty.

8. Money charged or secured on land or other personal estate arising from or connected with land, shall not be deemed to be subject to the provisions of the statutes known as the Statutes of Mortmain or of Charitable uses as respects the will of a person dying after the passing of this Act, or as respects any other grant or gift made after the passing of this Act.

Exercise of jurisdiction of High Court.

9. The jurisdiction of the High Court under this Act is to be exercised by a judge in chambers or otherwise, and may be exercised in a summary manner so as to avoid all unnecessary expense.

Act to apply only to legacies otherwise void.

10. This Act affects only devises or legacies which but for this Act would be void, and shall not be construed as taking away any right now by statute or otherwise possessed by any corporation. Nor shall this Act be construed as expressly or by implication affecting any pending actions, or any question whatever therein.

CHAPTER 21.

An Act to amend The Registry Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 114 amended.

1. *The Registry Act* is amended by adding thereto the following as section 88a.

Registration of plans in cities and towns.

88a. Every person who is required to lodge with the registrar a plan or map of any survey or sub-division of land in any city or town shall at the same time deposit with said registrar a duplicate of such plan or map and the registrar shall endorse thereon a certificate, showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the registrar to the treasurer or assessment commissioner of the municipality, upon request, and without any fee being chargeable in respect thereof. The provisions of section 88 of this Act shall not apply to any plan or map, a duplicate of which has been deposited as required by this section ; but, in case of neglect or refusal to comply with the provisions hereof, the penalty mentioned in the said section shall become payable.

CHAPTER

CHAPTER 22.

An Act to amend The Registry Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 144, s. 22, amended.

1. Section 22 of *The Registry Act* is amended by adding thereto the following sub-section :—

Attendance on Saturday at Toronto offices.

(2) Provided that the registrars for the east and west divisions of the city of Toronto and for the county of York or their respective deputies shall attend at their offices for the transaction of business on Saturday from the hour of ten in the forenoon until one in the afternoon and no longer, and no instrument shall be received by them for registration on that day except within the hours above named.

CHAPTER 23.

An Act for the further Protection of the Public Interest in Rivers, Streams and Creeks.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Removal of stones, etc., from beds of certain streams prohibited.

1. No person shall remove any stones, gravel, earth or sand from the bed of any river, stream or creek running between two municipalities, or over which bridges have been erected, or through or under which drainage pipes or water mains have been laid by or at the instance of a municipal corporation, so as to endanger the safety of or injure such bridges, pipes or mains without the consent of the council of the municipality or municipalities within whose limits the stones, gravel, earth or sand are to be taken.

Penalty.

2. Any person guilty of a contravention of this Act shall, for every such offence, be liable on summary conviction thereof to a penalty of not less than ten, nor more than twenty-five dollars, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment to the said amount and for the said term ; and if a fine is imposed and is not paid forthwith the person convicted shall be imprisoned for a period not exceeding three months, unless the said fine and costs are sooner paid.

CHAPTER

CHAPTER 24.

An Act to amend The Land Titles Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Filing plans with roads less than 66 feet in width.

1. No map or plan shall be filed in the office of the Master of Titles at Toronto or in the office of any local master of titles upon which a road, street or highway less than 66 feet wide is laid out unless and until the assent of the proper municipal council is registered therewith where such assent is by law necessary.

CHAPTER 25.

An Act to further amend the Law respecting Assignments and Preferences by Insolvent Persons.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

"Creditor" for certain purposes to include surety and endorser.

1. Where the word "creditor" occurs in the ninth line of sub-section (2) of section 2, of the *Act respecting Assignments and Preferences by Insolvent Persons*, as the said Act is amended by the Act passed in the 54th year of Her Majesty's reign chaptered 20, and in the second and third lines of clause (*a*) of said sub-section and in the second and third lines of clause (*b*) of said sub-section, the same shall be deemed to include any surety and the indorser of any promissory note or bill of exchange, who would upon payment by him of the debt, promissory note or bill of exchange, in respect of which such suretyship was entered into or such endorsement given become a creditor of the person giving the preference within the meaning of said sub-section 2,

Pending proceedings not affected.

2. This Act shall not affect any action, suit or proceeding now pending, but the same shall be adjudicated upon and determined as if this Act had not been passed.

CHAPTER

CHAPTER 26.

An Act to further amend the law respecting Sales and Mortgages of Personal Property.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application of Rev. Stat. c. 125.

1. The provisions of the *Act respecting Mortgages and Sales of Personal Property* shall extend to mortgages and sales of goods and chattels, notwithstanding that such goods and chattels may not be the property of, or may not be in the possession, custody or control of, the mortgagor or bargainor or any one on his behalf at the time of the making of such mortgage or sale, and notwithstanding that such goods or chattels may be intended to be delivered at some future time, or that the same may not at the time of the making of said mortgage or sale be actually procured or provided, or fit or ready for delivery, and notwithstanding that some act may be required for the making or completing of such goods and chattels, or rendering the same fit for delivery.

"Void as against creditors," meaning of.

Rev. Stat. c. 124.

2. In the application of the said Act and of this Act extending and amending the same the words "void as against creditors" in said Act shall extend to simple contract creditors of the mortgagor or bargainor suing on behalf of themselves and other creditors, and to any assignee for the general benefit of creditors within the meaning of the *Act respecting Assignments and Preferences by Insolvent Persons* and amendments thereto, as well as to creditors having executions against the goods and chattels of the mortgagor or bargainor in the hands of the sheriff or other officer.

"Actual and continued change of possession," meaning of.

3. The "actual and continued change of possession" in the said *Act respecting Mortgages and Sales of Personal Property* mentioned shall be taken to be such change of possession as is open, and reasonably sufficient to afford public notice thereof.

Subsequent possession not to validate sale otherwise void.

4. A mortgage or sale declared by said Act to be void as against creditors and subsequent purchasers or mortgagees shall not by the subsequent taking of possession of the things mortgaged or sold by or on behalf of the mortgagee or bargainee be thereby made valid as against persons who became creditors, or purchasers, or mortgagees before such taking of possession.

Agreement on sale that property is not to pass until payment.

5. In case of an agreement for the sale or transfer of merchandise of any kind to a trader or other person for the purpose of resale by him in the course of business, the possession

to

to pass to such trader or other person, but not the absolute ownership until certain payments are made or other considerations satisfied, any such provision as to ownership shall as against creditors, mortgagees or purchasers be void, and the sale or transfer be deemed to have been absolute, unless (1) the agreement is in writing, signed by the parties to the agreement or their agents, and (2) unless such writing is filed in the office of the county court clerk of the county or union of counties in which the goods are situate at the time of making the agreement, or at the time at which the goods are by the agreement to be delivered, such filing to be within five days of the delivery or possession of any of the goods under the agreement.

(2) Such an agreement, though signed and filed, shall not affect purchases from the trader or person aforesaid in the usual course of his business.

(3) Where there is no county organization, and therefore no county court clerk, the agreement is to be filed in the office of the clerk of the peace, if any, and if there is no clerk of the peace, in the office of the registrar of deeds for the locality.

Act not to affect sales of certain marked goods

6. This Act is not intended to affect, and is not to be construed as affecting, the case of manufactured goods and chattels which at the time possession is given have the name and address of the manufacturer, bailor or vendor of the same painted, printed stamped or engraved thereon or otherwise plainly attached thereto, nor any goods or chattels where the receipt-note, hire receipt, order or other instrument is filed and for which cases respectively provision is made by *The Act respecting Conditional Sales of Chattels.* 51 V. c. 19.

CHAPTER 27.

An Act to amend the Act respecting Wages.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 127, s. 3, amended.

1. The *Act respecting Wages* is amended by striking out all the words of section 3 from the beginning to the word "who" in the fourth line, and substituting in lieu thereof the following: "3. All persons in the employment of the execution debtor at the time of the seizure by the sheriff or within one month prior thereto;" and by striking out the words "the said Act," in the sixth line of said section, and substituting therefor the words "*The Creditors' Relief Act.*"

2.

Rights of employees of absconding debtors.

2. All persons in the employment of an absconding debtor at the time of a seizure by the sheriff under *The Act respecting Absconding Debtors* or within one month prior thereto, shall be entitled to be paid out of any moneys realized out of the property of such debtor, by such sheriff the wages or salary due to them by the absconding debtor, not exceeding three months wages or salary, in priority to the claims of the other creditors of the absconding debtor and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims.

CHAPTER 28.

An Act to amend the Act Respecting Limited Partnerships.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 129, s. 1, amended.

1. Section 1 of the *Act respecting Limited Partnerships* is amended by striking out the word "or" in the second line thereof and inserting the words "or other" in the said line after the word "manufacturing" therein, and by inserting the words "the construction or working of railways or" before the word "making" in the last line of said section.

CHAPTER 29.

An Act to amend the Act respecting Infants.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c 137 s. 11, amended.

1. Section 11 of the *Act respecting Infants* is amended by inserting after the word "application" in the fourth line thereof, the words "in some newspaper published within the county or district of the surrogate court to which this application is made."

Rev. Stat. c. 137, s. 23 repealed.

2. Section 23 of the said Act is repealed, but the said repeal shall not affect any application now pending.

CHAPTER

CHAPTER 30.

An Act to Consolidate the Acts Respecting Compensation to Workmen in certain cases.

[*Assented to 14th April, 1892.*

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
CLAIMS AGAINST EMPLOYERS, ss. 3, 4.
INJURY BY RAILWAYS, s. 5.
COMPENSATION :
Exceptions negativing right to recover. Provisos. 6.
Limit of amount, s. 7.
How compensation may be distributed, s. 8,
Limit as to time for recovery, s. 9.
DEFENCES IN ACTIONS FOR COMPENSATION, s. 10.
Liability of personal representative, s. 11.
DEDUCTION OF PENALTIES FROM COMPENSATION, s. 12.
NOTICE OF INJURY, s. 13.
Defence of want of notices. s. 14.
PARTICULARS OF DEMAND, s. 15.
APPOINTMENT OF ASSESSORS, s. 16.
CONSOLIDATION OF ACTIONS, s. 17.
COMPUTATION OF TIME, s. 18.
FORMS AND RULES, s. 19.
SAVING CLAUSE, s. 20.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be known and cited as "*The Workmen's Compensation for Injuries Act, 1892.*"

Interpretation.

2. Where the following words occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :—

"Superintendence," meaning of.

(1) "Superintendence" shall be construed as meaning such general superintendence over workmen as is exercised by a foreman, or person in a like position to a foreman, whether the person exercising superintendence is or is not ordinarily engaged in manual labour. 52 V. c. 23, s. 2 (3).

"Employer."

(2) "Employer" shall include a body of persons corporate or unincorporate, and also the legal personal representatives of a deceased employer, and the person liable to pay compensation under section 4 of this Act. R. S. O., 1887, c. 141, s. 2 (2). 52 V. c. 23, s. 2 (4.)

"Workman"

(3) "Workman" does not include a domestic or menial servant, but, save as aforesaid, means any railway servant, and any person who being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one

 years,

years, or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

"Packing." (4) "Packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within one and a half inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. R. S. O. 1887, c. 141, s. 2 (3-4.)

"Railway Servant." (5) "Railway servant" shall mean and include a railway servant, tramway servant and street railway servant. R. S. O. 1887, c. 141, s. 2. 52 V. c 23, s. 2.

When workman to have claim against employer. **3.** Where personal injury is caused to a workman—

(1) By reason of any defect in the condition or arrangement of the ways, works, machinery, plant, buildings or premises connected with, intended for, or used in the business of the employer; or

(2) By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence; or

(3) By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where such injury resulted from his having so conformed; or

(4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by the employer or by any person delegated with the authority of the employer in that behalf; or

(5) By reason of the negligence of any person in the service of the employer who has the charge or control of any points, signal, locomotive, engine, machine, or train upon a railway, tramway or street railway;

the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work. R. S. O., 1887, c. 141, s 3. 52 V. c. 23, ss. 3, 4, 5.

4.—(1)

Employer, who to be deemed.

4.—(1) Where the execution of any work is being carried into effect under any contract, and

(*a*) The person for whom the work, or any part thereof, is done, owns or supplies any ways, works, machinery, plant, buildings, or premises used for the purpose of executing the work ; and

(*b*) By reason of any defect in the condition or arrangement of such ways, works, machinery, plant, buildings or premises, personal injury is caused to any workman employed by the contractor or by any sub-contractor; and

(*c*) The defect or the failure to discover or remedy the defect arose from the negligence of the person for whom the work or any part thereof is done, or of some person being in his service and entrusted by him with the duty of seeing that such condition or arrangement is proper ;

the person for whom the work, or that part of the work is done shall be liable to pay compensation for the injury as if the workman had been employed by him, and for that purpose shall be deemed to be the employer of the workman within the meaning of this Act. Provided, always, that any such contractor or sub-contractor shall be liable to pay compensation for the injury as if this section had not been enacted, so however that double compensation shall not be recoverable for the same injury.

(2) Nothing in this section contained shall affect any rights or liabilities of the person for whom the work is done and the contractor and sub-contractor (if any) as between themselves. 52 V. c. 23, s. 6.

Injuries by railways.

5. Where within this Province personal injury is caused to a workman employed on or about any railway :—

1. By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members ; or

2. By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing; or

3.

3. By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, (save only where the space between the heads of any such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September and October, filled in with packing;

such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of sub-section 1 of section 3 of this Act. But nothing in this section contained shall be taken or construed, as in any respect, or for any purpose restricting the meaning of said sub-section. R. S. O. 1887, c. 141, s. 4.

Exceptions to preceding provisions.

6. A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases, that is to say:

1. Under sub-section 1 of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person entrusted by him with the duty of seeing that the condition or arrangement of the ways, works, machinery, plant, building or premises are proper. R.S.O. 1887, c. 141, s. 5 (1). 52 V. c 23, s. 8.

2. Under sub-section 4 of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Lieutenant-Governor in Council, or under and pursuant to any provision in that behalf of any Act of the Legislature of Ontario, or of the Parliament of Canada, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law. R.S.O. 1887, c. 141, s. 5 (2).

3. In any case where the workman knew of the defect or negligence which caused his injury and failed without reasonable excuse to give or cause to be given within a reasonable time, information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence. Provided, however, that such

workman

workman shall not, by reason only of his continuing in the employment of the employer with knowledge of the defect, negligence, act, or omission, which caused his injury, be deemed to have voluntarily incurred the risk of the injury. R.S.O. 1887, c. 141, s. 5 (3).52 V. c. 23, ss. 7, 9.

Limit of amount of compensation.

7. The amount of compensation recoverable under this Act shall not exceed either such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this Province, or the sum of fifteen hundred dollars, whichever is larger; and such compensation shall not be subject to any deduction or abatement, by reason, or on account, or in respect of any matter or thing whatsoever, save such as is specially provided for in section 12 of this Act. R.S.O. 1887, c. 141, s. 6; 52 V. c. 23, s. 10.

Distribution of compensation.

8. When in any action under this Act compensation is awarded in the case of the death of a workman for an injury sustained by him in the course of his employment, the amount recovered, after deducting the costs not recovered from the defendant may, if the Court or Judge before whom the action is tried so directs, be divided between the wife, husband, parent, and child of the deceased in such shares as the Court or Judge, with or without assessors, as the case may be, or, if the action is tried by a jury, as the jury may determine. 52 V. c. 23, s. 14.

Limit of time for recovery of compensation.

9. An action for the recovery under this Act of compensation for an injury shall not be maintainable against the employer of the workman, unless notice that injury has been sustained is given within twelve weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action, if the Judge shall be of opinion that there was reasonable excuse for such want of notice. R.S.O. 1887, c. 141, s. 7. 52 V. c. 23, s. 11.

Contract by workman, when to constitute a defence to action for compensation.

10. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury

1. Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor

2. Unless such other consideration was in the opinion of the Court or Judge before whom such action is tried, ample and adequate; nor

3. Unless, in the opinion of the Court or Judge, such contract or agreement in view of such other consideration was not on the part of the workman, improvident, but was just and reasonable;

and the burthen of proof in respect of such other consideration, and of the same being ample and adequate, as aforesaid, and that the contract was just and reasonable and was not improvident as aforesaid, shall, in all cases, rest upon the defendant; provided always that notwithstanding anything in this section contained, no contract or agreement whatsoever made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury happening or caused by reason of any of the matters mentioned in section 5 of this Act. R.S.O. 1887, c. 141, s. 8.

Liability of personal representative.

11. Notwithstanding anything contained in this Act, an action under sections 3, 4 or 5 shall lie against the legal personal representatives of a deceased employer. 52 V. c. 23, s. 15.

Money payable under penalty to be deducted from compensation.

12. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Act, any penalty or damages, or part of a penalty or damages which may in pursuance of any other Act, either of the Parliament of Canada, or of the Legislature of Ontario, have been paid to such workman, representatives or persons in respect of the same cause of action; and where an action has been brought under this Act by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this Act. and payment has not previously been made of any penalty or damages, or part of a penalty or damages under any such Act, either of the said Parliament, or of the said Legislature, in respect of the same cause of action, such workman, representatives or persons shall not, so far as the said Legislature has power so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last mentioned Act. R.S.O. 1887, c. 141, s. 9.

Form and service of notice of injury.

13.—(1) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers.

(2)

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(3) The notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office, any one of the offices of such body. R.S.O. 1887, c. 141, s. 10 (1-4).

(5) The want or insufficiency of the notice required by this section, or by section 9 of this Act, shall not be a bar to the maintenance of an action for the recovery of compensation for the injury if the Court or Judge before whom such action is tried, or, in case of appeal, if the Court hearing the appeal is of opinion that there was reasonable excuse for the want or insufficiency, and that the defendant has not been thereby prejudiced in his defence. 52 V., c. 23, s. 12.

(6) A notice under this section shall be deemed sufficient if in the form or to the effect following :—

To *A. B.*, of (*here insert employer's address*)

or To the Company, (*or as the case may be.*)

Take notice, that on the day of 189 *C.D.*, of (*insert address of injured person*) a workman in your employment sustained personal injury, (*add*, of which he died, *if such be the case*), and that such injury was caused by (*state shortly the cause of injury, e.g.*, the fall of a beam).

(Date.)

Yours, etc.,

X.Y.

R.S.O., 1887, c, 141, s. 10 (6).

Defence of want of notice.

14. If the defendant in any action against an employer for compensation for an injury sustained by a workman in the course of his employment intends to rely for a defence on the want of notice or the insufficiency of notice, or on the ground that he was not the employer of the workman injured, he shall, not less than seven days before the hearing of the action, or such other time as may be fixed by the rules regulating the practice of the Court in which the action is brought, give notice to the plaintiff of his intention to rely on that defence, and the Court may, in its discretion, and upon such terms and conditions as may be just in that behalf, order and allow an

adjournment

adjournment of the case for the purpose of enabling such notice to be given; and, subject to any such terms and conditions, any notice given pursuant to and in compliance with the order in that behalf, shall, as to any such action and for all purposes thereof, be held to be a notice given pursuant to and in conformity with sections 9 and 13 of this Act. 52 V. c. 23, s. 13.

Particulars of demand.

15. In an action brought under this Act the particulars of demand or statement of claim shall state in ordinary language the cause of the injury and the date at which it was sustained, and the amount of compensation claimed; and where the action is brought by more than one plaintiff, the amount of compensation claimed by each plaintiff, and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act, or omission of any person in the service of the defendant, the particulars shall give the name and description of such person. R.S.O., 1887, c. 141, s. 11.

Appointment of assessors.

16.—(1) Upon the trial of an action for recovery of compensation under this Act before a judge without a jury, one or more assessors may be appointed by the court or judge for the purpose of ascertaining the amount of compensation, and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the judge at the trial.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act.

(3) In such action a party who desires assessors to be appointed shall, ten clear days at least before the day for holding the court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons named being appointed, he shall file such consent with his application.

(4) Where the application for the appointment of assessors has been made by one party to an action only, he shall, eight clear days at least before the day for holding the court at which the action is to be tried, serve a copy of the application so filed upon the other party, who may then either file an application for assessors, or file objections to one or more of the persons proposed.

(5) An application for the appointment of assessors may be in the form following, or to the like effect, namely:—

In the (*describing the Court*)

"The Workmen's Compensation for Injuries Act 1892."

BETWEEN, Plaintiff,

Defendant

The

The plaintiff (*or* defendant) applies to have an assessor (*or* assessors) appointed to assist the Court in ascertaining the amount of compensation to be awarded to the plaintiff, should the judgment be in his favour, and he submits the names of the following persons, who have expressed their willingness in writing to act as assessors should they be appointed.

(*Here set out the names, addresses and occupations of the persons above referred to.*)

(*If the other party consents to the appointment add the following* ;—

The defendant (*or* plaintiff) consents to the appointment of any of the persons above named to act as assessors in this action, as appears by his consent thereto filed herewith.

Dated this day of

A. B.

The above named plaintiff, (*or as the case may be.*)

(6) Where separate applications are filed by the parties, no objection to the persons proposed shall be made by either party, but the Court or Judge may appoint from the persons named in each application one or more assessor or assessors, provided that the same number of assessors be appointed from the names given in such applications respectively.

(7) In such action brought in a Division Court the applications for the appointment of assessors, together with any objections made to the persons proposed, shall be forwarded by the clerk of the Court to the Judge.

(8) Where application for the appointment of assessors is granted, the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed fit, subject to the provisions contained in this Act.

(9) In such action where an application for the appointment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no application for assessors has been made, the Court or Judge may appoint one or more persons to act as assessor or assessors in the action before or on the trial of the action.

(10) If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Court or Judge may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or may adjourn the trial generally, or upon any terms which the Court or Judge may think fit, or may appoint any person who may be available and who is willing to act, and who is not objected to, or who, if objected to is objected to on some insufficient ground, or the Court or Judge may try the action without assessors.

(11)

(11) Every person requiring the Court or Judge to be assisted by assessors shall at the time of filing his application deposit therewith the sum of $4 for every assessor proposed, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited, no deposit in respect of such person shall be required.

(12) Where an action shall be tried by the Court or Judge with the assistance of assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties, or either of them, as the Judge or Court shall direct.

(13) If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have power to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his remuneration.

(14) The assessors shall sit with and assist the Court or Judge when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover. R.S.O. 1887, c. 141, s. 12.

Consolidation of actions.

17.—(1) Where several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated.

(2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation.

(3) In case several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant may, on filing an undertaking to be bound so far as his liability for such negligence, act or omission is concerned by the decision in such one of the said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected, until judgment is given in such selected action.

(4) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or *ex parte*.

(5) Upon the hearing of an application for consolidation of actions or for stay of proceedings, the Court or Judge shall have power to impose such terms and conditions and make such order in the matter as may be just.

(6)

(6) If an order shall be made by a Court or Judge upon an *ex parte* application to stay proceedings, it shall be competent to the plaintiffs affected by the order to apply to the Court or Judge (as the case may be) upon notice or *ex parte*, to vary or discharge the order so made, and upon such last mentioned application such order shall be made as the Court or Judge shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order as may be deemed right.

(7) In case a verdict in the selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their damages and costs.

(8) A defendant may by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted.

(9) Where two or more persons are joined as plaintiffs under sub-section 1 of this section, and the negligence, act or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person, and in such manner as the Court or Judge may think fit; should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realized after the deduction of all the costs of the action as aforesaid. R.S.O. 1887, c. 141, s. 13.

Computation of time.

18. Where the time for doing any act, taking any proceeding, or giving any notice under or required by this Act expires on a Sunday such act, or proceeding, or notice shall, so far as regards the time of doing, taking or giving the same, be held to be duly and sufficiently done, taken or given, if done, taken or given, on the day next following such Sunday. R.S.O. 1887, c. 141. s. 14.

Forms and rules.

19. In an action brought in any Court to recover compensation under this Act, the forms and methods, and the rules and orders in force in Court shall, subject to and save as otherwise

provided

provided by the terms and provisions of this Act, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Act contained, the forms and method, and the pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in any such Court. R.S.O. 1887, c. 141, s. 15.

Saving clause.

20. All Acts and parts of Acts inconsistent with this Act are hereby repealed: but such repeal shall not affect, nor shall any provision of this Act prejudice, anything heretofore done or suffered, or any right heretofore acquired or accrued under or in pursuance of said Acts or parts of Acts so repealed; and any proceeding in respect of any such right, and any action, suit or proceeding under or in pursuance of said last mentioned Acts or parts of Acts shall be instituted, continued, and completed, and determined, and dealt with in all respects and for all purposes as if this Act had not been passed. *See* R.S.O. c. 141, s. 16; 52 V. c. 23, s. 16.

CHAPTER 31.

An Act to amend the Act respecting the law of Landlord and Tenant.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 143, s. 27, sub-s. 1 amended.

1. Section 27 of the *Act respecting the law of Landlord and Tenant*, is amended by adding at the end of sub-section 1 thereof the following words: "Provided that in the case of a monthly tenancy such exemption shall only apply to two months' arrears of rent."

CHAPTER

CHAPTER 32.

An Act to Provide for the Admission of Women to the Study and Practice of Law.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Law Society of Ontario may in its discretion make rules, providing for the admission of women to practice as solicitors. Admission of women as solicitors.

CHAPTER 33.

An Act to amend The Act respecting Dentistry.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 3 of the *Act respecting Dentistry* is repealed and the following inserted in lieu thereof:— Rev. Stat., c. 150, s. 3, repealed.

3.—(1) There shall be a board of directors of the said Royal College of Dental Surgeons of Ontario, to be constituted in the manner hereinafter provided for in this Act and referred to in this Act as the " Board." Board of directors of college of dental surgeons.

(2) The board shall consist of eight members, all of whom shall be members of the said Royal College of Dental Surgeons of Ontario, who shall hold office for two years, and of whom any four shall form a quorum.

(3) One member of the board shall be elected from each of the electoral districts mentioned in schedule A by the members of the college resident in such district, and each member of the board shall be an elector in the electoral district he represents and shall not be a member of the faculty of the school of dentistry constituted under section 9 of this Act. When a vacancy occurs in the representation of the faculty such a vacancy shall be filled by the faculty.

(4)

(4) One member of the board shall be elected by and from the faculty of the school of dentistry constituted under section 9 of this Act.

(5) Any member of the board may at any time resign by letter directed to the secretary, and in the event of such resignation, or a vacancy occurring by death or otherwise, the remaining members of the board shall elect some fit and proper person from among the members of the college to fill the vacancy for the remainder of the term from the members in the electoral district in which the vacancy occurs.

Rev. Stat. c. 150, s. 4, repealed.

2. Section 4 of the said Act is repealed, and the following inserted in lieu thereof:—

Election of board.

4.—(1) Elections of the board shall be held on the second Wednesday of December in every second year reckoning from the year 1890; and the present board of directors shall hold office until the first meeting of the new board.

(2) The persons qualified to vote at such elections shall be the members of the Royal College of Dental Surgeons of Ontario under the provisions of the Acts respecting dentistry heretofore in force, or under the provisions of this Act, and are not in arrears in respect to any fees payable under the provisions of this Act and are resident in the Province of Ontario.

(3) The votes at said elections shall be given by closed voting papers in the form described in schedule "B", and shall be delivered to the secretary of the said college by registered letter before the second Wednesday in December in the year in which the election takes place.

(4) The Province of Ontario shall be divided into the seven electoral districts described in schedule "A."

(5) The manner of holding such election shall, with respect to notification of the electors of the time and place of holding the election, the nomination of candidates therefor, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details be determined by by-laws to be passed by the board, and in default of such by-laws the Lieutenant-Governor in Council may prescribe the time and manner of holding such election.

(6) Every newly elected board shall hold its first meeting in Toronto, on the fourth Tuesday in March or at such other time as may be fixed by the retiring board, and the members of such board shall hold office until the first meeting of their successors. Special meetings of the board shall be called by the president on the request in writing of four members of the board.

3. Section 5 of *The Act respecting Dentistry* is repealed. Rev. Stat. c. 150, s. 5, repealed.

4. Sub-section 1 of section 6 of the said Act is repealed and the following substituted therefor: Rev. Stat. c. 150, s. 6, sub-s. 1, repealed.

(1) Every board shall at its first meeting elect a president, treasurer, and registrar, and shall appoint a secretary who shall reside in the city of Toronto, and such other officers as the board may consider necessary. The treasurer and secretary shall receive such remuneration for their services as the board may decide.

5. Section 11 of the said Act is amended by striking out the words "before the board" and adding to the section the words: "and to fix and determine the conditions upon which dentists residing elsewhere than in Ontario, and students and graduates from other dental colleges may be admitted to membership in the Royal College of Dental Surgeons of Ontario. Rev. Stat. c. 150, s. 11, amended.

6. Each member of the college engaged in the practice of dentistry in the Province of Ontario shall pay to the treasurer or to any person deputed by the treasurer to receive the same, on or before the first day of November of each year, such annual fee as may be determined by by-law of the board, not less than $1 nor more than $3, towards the general expenses of the college, and such fee shall be recoverable with costs by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court having jurisdiction where the member so in default resides, and such member shall not be entitled to recover in any court for any services rendered in the practise of dentistry while so in default, but no funds collected under this section shall be disbursed otherwise than for the expenses of the board and the enforcement of the penal clauses of the said Act. Annual fees.

SCHEDULE "A."

(*Section 1.*)

Electoral District No. 1 shall be composed of the following counties.—Addington, Carleton, Dundas, Frontenac, Glengarry, Lanark, Leeds, Lennox, Prescott, Russell, Renfrew, Stormont, Grenville.

Electoral District No. 2 shall consist of the following counties:—Algoma, Durham, Hastings, Nipissing, Northumberland, Muskoka, Ontario, Prince Edward, Parry Sound, Peterboro', Victoria, York, except Toronto.

Electoral

Electoral District No. 3 shall consist of the City of Toronto.

Electoral District No. 4 shall consist of the following counties:—Halton, Dufferin, Lincoln, Peel, Simcoe, Wentworth, Welland.

Electoral District No. 5 shall consist of the following counties:—Brant, Elgin, Haldimand, Norfolk, Oxford, Waterloo.

Electoral District No. 6 shall consist of the following counties:—Grey, Bruce, Huron, Wellington.

Electoral District No. 7 shall consist of the following counties:—Essex, Kent, Lambton, Middlesex, Perth.

SCHEDULE "B."

(*Section 2.*)

Election 18 .

Electoral District No.

I, of the of in the county member of the Royal College of Dental Surgeons of Ontario do hereby declare:—

1. That the signature affixed hereto is my proper handwriting.

2. That I am a voter in the Electoral District No. and that I vote for of the of in the County of a member of the Royal College of Dental Surgeons of Ontario and an elector in said electoral district to be a member of the Board of Directors of the College for the said district.

3. That I have not in this election signed any other voting paper and that this voting paper was executed on the day of the date thereof.

Witness my hand this day of A.D. 18

CHAPTER

CHAPTER 34.

An Act to incorporate the Association of Ontario Land Surveyors and to amend the Act respecting Land Surveyors and the Survey of Land.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the *Act respecting Land Surveyors and the Survey of Land* is amended by inserting the words "and shall have become registered under the provisions of this Act" immediately after the word "force," in the last line thereof. Rev. Stat. c. 152, s. 2, amended.

2. Sections 3, 4 and 5 of the said Act are repealed. Rev. Stat. c. 152, ss. 3, 4, 5, repealed.

3. All persons duly authorized to practice as land surveyors, as provided by the said Act, and all such other persons as shall become hereafter duly authorized so to practice under the provisions of this Act, shall upon becoming duly registered as hereinafter provided, form "The Association of Ontario Land Surveyors," and shall be and are hereby constituted a body corporate under the said name of "The Association of Ontario Land Surveyors," having perpetual succession and a common seal, with power to acquire and hold real estate not exceeding at any time an annual value of $5,000, and to alienate, exchange, mortgage, lease or otherwise charge or dispose of said real estate, or any part thereof, as occasion may require, and all fines and fees payable under this Act, or under any by-law which may be passed by the association under the powers hereby granted, shall belong to the association for the purpose of this Act, and with power to the said association to pass by-laws not inconsistent with the provisions of this Act for the— Incorporation of Association of Ontario Land Surveyors.

(*a*) Government, discipline and honor of its members.

(*b*) Management of its property.

(*c*) Examination and admission of candidates for the study or practice of the profession.

(*d*) And for all such other purposes as may be necessary for the working of the corporation.

(*e*) All by-laws shall be prepared by the council hereinafter named, and be ratified by the association at the annual general meeting, or at a special general meeting, to be called for the purpose.

Council of management.

4. There shall be a council of management of the association consisting of the Commissioner of Crown Lands, the president and vice-president of the association, and six other elective members, to be elected and hold office as hereinafter provided. The said council shall elect annually one of its members as its chairman, and shall appoint from amongst the members of the association such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the council.

(1) After the first election provided for in section 8 of this Act, the members of the association shall elect annually from amongst their number a president, vice-president, secretary-treasurer, two auditors and two members of the council of management, and the secretary-treasurer of the association shall be the registrar of the association and secretary of the board of examiners.

(2) The said president, vice-president, secretary-treasurer, auditors and two members of the council may be elected at the annual general meeting in each year, providing their election be unanimous, but should the election of any of them not be unanimous and a ballot be demanded for the election of any of them by any member of the association entitled to vote at such election, then and in every such case the president, or in his absence, the vice-president, shall appoint two scrutineers to count the ballots, and the secretary-treasurer shall at such annual general meeting receive nominations of candidates for the office or offices in respect of which such ballot shall have been demanded, and the election shall take place in manner following, that is to say :—

(3) At least one week after the annual general meeting, when a ballot has been demanded, the secretary-treasurer, as registrar of the association, shall send by post, when his address is known, the form of voting paper in the schedule "B" to this Act, to each member of the association, with the list of names of all candidates nominated at the annual general meeting, and also a list of the retiring members, and the voting for officers and members of the council shall be limited to the persons who have been so nominated.

(4) The votes at an election by ballot for officers and members of the council of management shall be given by closed voting papers in the form in the schedule "B" to this Act, or to the like effect being delivered to the secretary-treasurer of the association at his office, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Tuesday of March and the first Tuesday of April in each year in which an election by ballot is held, and any voting papers received by the secretary-treasurer by post during the time aforesaid shall be deemed as delivered to him for the purposes of the election.

(5)

(5) The voting papers shall upon the Thursday after the first Tuesday of April be opened by the secretary-treasurer of the association in the presence of the scrutineers appointed as above provided, who shall examine and count the votes, and keep a record thereof in a proper book to be provided by the council.

(6) The persons who have the highest number of votes for officers and members of the council, as the case may be, shall be declared elected.

(7) Any person entitled to vote at the election shall be entitled to be present at the opening of the voting papers.

(8) In case of an equality of votes between two or more persons which leaves the election of one or more officers or members of the council undecided, then the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the secretary-treasurer of the association shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the member or members of the council, as the case may be.

(9) Upon the completion of the counting of the votes and of the scrutiny, the secretary-treasurer shall forthwith declare the result of the election, and shall as soon as conveniently may be, report the same in writing, signed by himself and by the scrutineers, to the president of the association.

(10) In the event of any elector placing more than the required number of names upon the voting paper for members of the council, the first names only, not exceeding the required number, shall be taken for the members of the council.

(11) The elective members of the council shall hold office for the following terms respectively: the two members receiving the greatest number of votes at the first election, for the term of three years, and until their successors shall have been elected; the two members receiving the next greatest number of votes at such election, for the term of two years, and until their successors shall have been elected; and the last two members for the term of one year.

(*a*) No person shall be entitled to vote as an elector at any election unless all his fees to the association have been paid.

(*b*) All elections under this Act shall be by ballot if demanded, as may be provided by the by-laws of the association.

(12) No person shall be eligible for election to any office or to the council, or qualified to fill any vacancy thereon, or to

appointment

appointment by the council to any office, unless his fees have been paid, and unless duly qualified under the provisions of this Act, and the by-laws of the association.

(13) All members of the council, elected after the first election, shall hold office for the term of three years, and until their successors shall have been elected, except as hereinafter provided.

(*a*) In case of resignation, death or dismissal of any member or members of the council, the other members of the council shall have power to fill all vacancies so caused.

(14) In case of any doubt or dispute as to who has or have been elected to any office, or as a member or members of the council, or as to the legality of the election of any such officer or officers, member or members of the council, it shall be lawful for the other duly elected officers and members to be, and they are hereby constituted a committee to hold an enquiry, and decide who, if any, is, or are, the legally elected officer or officers, or member or members of the council, and the person or persons, if any, whom they decide to have been elected, shall be and be deemed to be the officer or officers, or member or members legally elected, and if the election is found to have been illegal, the said committee shall have power to order a new election.

(15) The annual general meeting of the association shall be held in the city of Toronto, on Tuesday of such week and month in each year, and at such place as the council may elect. Due notice of such meeting shall be given by the secretary-treasurer, to each member of the association, by circular letter, posted to his registered address, at least ten days before such meeting.

(16) (*a*) There shall be a board of examiners for the examination of candidates for admission to study, and also for such other examinations as the council may hereafter prescribe for candidates for admission to practice as land surveyors, which board shall consist of the chairman of the council, four other members of the association, to be appointed by the council, and two to be appointed by the Lieutenant Governor in Council.

(*b*) Of the four appointed members of the first board of examiners by the council, two shall hold office for three years and two for two years. After the second year, the council shall appoint two members of the association as examiners, who shall hold office for the ensuing three years as the terms of the appointees shall expire, and in the case of the resignation, or death, or inability to act of any member so appointed, his place may be filled by the council for the unexpired term by the appointment of some fit and proper person.

(*c*)

(*c*) Of the two members of the first board to be appointed by the Lieutenant-Governor in Council, one shall be appointed to hold office for a period of three years, and the other for a period of two years, and thereafter the appointment shall be made for a period of three years, unless when made to fill an unexpired portion of a term.

(*d*) The chairman of the council shall be the chairman of the board of examiners.

(*e*) Three members of the board of examiners shall form a quorum.

(*f*) The council may also appoint competent persons to assist the board of examiners in any of the subjects of examination.

(17) The council shall have the power to fix the expenses and fees to be paid to any of the examiners, as above appointed, subject as hereinafter provided.

(18) (*a*) Each member of the board, shall take oath of office before a judge of any county court, or a justice of the peace.

(*b*) The following shall be the form of the oath of office:—

I, of having been appointed a member of the board of examiners for the admission of provincial land surveyors for the Province of Ontario, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

Sworn before me at this day of 18

5. Section 23 of the said Act is hereby repealed and the following enacted in lieu thereof :— Rev. Stat. c. 152, s. 23 repealed.

23—(1) The council may in their discretion suspend or dismiss from the association any land surveyor whom they find guilty of gross negligence or corruption in the execution of the duties of his office ; but the council shall not take action until the complaint made under oath has been filed with the secretary, and a copy thereof forwarded to the party accused, nor shall the council suspend or dismiss such land surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered either in support of the complaint or in behalf of the surveyor inculpated, and all such evidence shall be taken under oath, which oath the chairman of the said council, or person acting as such in his absence, or the secretary, is hereby authorized to administer, and all such evidence shall be taken down by a duly qualified stenographer, as in the case of procedure in the High Court of Judicature. Any surveyor so dismissed or suspended within fourteen days after the order or resolution of dismissal or suspension may appeal to a Judge of the High Court against such order or resolution by giving seven days notice to the council, and may require the Dismissal or suspension of members.

evidence

evidence taken to be filed with the Registrar of the Chancery Division, and the costs of such appeal shall be in the discretion of the judge; unless the order or resolution shall be set aside or the judge or council shall otherwise order, any surveyor so suspended or dismissed shall not have the right to practice as a surveyor after the appeal shall have been disposed of, except where the time for which he was so suspended shall have expired.

(2) If the council think fit in any case, they may direct the registrar to restore to the register any name or entry erased therefrom either without fee or on payment of such fee, not exceeding the registration fee, as the council may, from time to time, fix, and the registrar shall restore the same accordingly.

Rev. Stat. c. 152, s. 24, repealed.

6. Section 24 of the said Act is repealed and the following enacted in lieu thereof :—

Payment of examiners.

24. The council shall pay to each member of the board of examiners, and the secretary of the board, who attends any examinations, out of the funds of the association, such sum not less than $6 nor more than $8 as the council may by by-law determine, for each day's attendance, and their travelling expenses.

Rev. Stat. c. 152, s. 25, sub-ss. 1-4, repealed.

7. Sub-sections one to four, inclusive, of section 25 of the said Act are repealed and the following enacted in lieu thereof :—

Fees.

(1) By every person duly authorized to practice as a land surveyor under the provisions of this Act on applying for registration under this Act, the sum of $1.

(2) By each member of this association an annual membership fee of $4.

(3) By each apprentice at the transmitting to the secretary the indenture or articles of such apprenticeship, $10.

(4) By each candidate for examination, with his notice thereof, $1

(5) By each applicant obtaining a certificate as a fee thereon, $2.

(6) By each applicant receiving a certificate to practice as an admission fee, $30.

And such fees shall be payable to the secretary-treasurer for the use of the association under the provisions of this Act.

First election of officers and council.

8.—(1) The first election of president, vice-president, secretary-treasurer, auditors and members of the council of management shall take place on the second day of July one thousand eight hundred and ninety-two, by such returning officer as the Commissioner of Crown Lands may appoint, and one month's notice thereof shall be

given

given by the returning officer in the *Ontario Gazette*, and to each duly authorized provincial land surveyor practising in Ontario, by mailing the same to his usual post office address. And the persons entitled to vote at such first election shall be all persons who are at the time of the holding of the said meeting duly authorized to practice as land surveyors in the Province of Ontario whose names are on the list of Provincial land surveyors in the list thereof in the Crown Lands Department, or on the list thereof in the hands of the secretary of the board of examiners, and who are resident at the time of the election in the Province and pay to such returning officer for the association the registration fees authorized by this Act.

(2) Such returning officer shall perform the like duties in respect of such election as the secretary-treasurer of the association may perform under section 4, and such election shall be by ballot as provided by said section 4, and the proceedings for transmission of ballots, voting by same, opening and counting the same, and otherwise as regards such first election shall as near as may be, be the same as provided by sub-section 3 of section 4 to sub-section 11 of said section 4, inclusive, except as to any proceedings to be taken at the annual general meeting or special general meeting.

(3) The Commissioner of Crown Lands, may appoint for the purpose of the first election two scrutineers who shall perform all the duties to be performed by the scrutineers under section 4.

(4) Every subsequent election of president, vice-president, secretary-treasurer, auditors and members of the council of management shall be held at the annual general meeting on the fourth Tuesday in February in each year, unless a ballot shall have been demanded, as herein elsewhere provided, and the persons qualified to vote at such election shall be such persons as are members of the association who have paid all fees due to the association from them under the provisions of this Act and of any by-law of the association. Subsequent elections.

9. It shall be the duty of the secretary-treasurer of the association to act as Registrar of the association, and to make and keep a correct register in accordance with the provisions of this Act, as shown in schedule "A" hereto of all persons who shall be entitled to be registered under this Act, and to enter opposite the names of all registered persons who shall have died a statement of such fact, and from time to time make the necessary alterations in the addresses of persons registered. Registrar of association.

10.—(1) Any person entitled to be registered under this Act, but who neglects or omits to be so registered shall not be Effect of omission to register

entitled

entitled to any of the rights or privileges conferred by registration under the provisions of this Act so long as such neglect or omission continues.

Removal of names from list.

(2) Any registered surveyor desiring to give up practice can have his name removed from the registered list of practitioners at any time upon giving written notice to the secretary of such desire, and paying up all fees due from him to the association to date, and thereafter shall not be liable to the association for annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fees for the year in which such notice is given, have his name re-registered.

Registrar not to admit improper entries.

(3) No name shall be entered in the register, except of persons authorized by this Act to be registered, nor unless the registrar be satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled, and any appeal from the decision of the registrar shall be decided by the council of the said association, and any entry which shall be proved to the satisfaction of such council to have been fraudulently or incorrectly made, shall be erased from or amended in the register by order of such council.

(4) The association may by by-law provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more, and has during the entire period been a duly qualified surveyor, may be exempted from the operations of this Act.

Who shall be entitled to register.

11. Any person duly authorized to practice as a surveyor of lands, in the Province of Ontario, under the provisions of the said Act, or who had been so authorized before the passing thereof, according to the laws then in force, and who may not have become registered under the provisions of this Act, may become a member of the association of Ontario Land Surveyors, by causing his name to be registered with the registrar of the association within six months after the election of such registrar, and by paying to such registrar, such fees as may by by-law or otherwise be made payable in that behalf.

Omission to register through absence, etc.

(2) In case any such person as aforesaid omits to be registered within said period of six months through absence, illness or inadvertence, such person may be admitted by the council to enrolment as an Ontario Land Surveyor upon payment of the arrears of fees or such part thereof as the council may direct.

Penalty for practising while unregistered.

(3) From and after the first day of January, 1891, no person, unless registered as above provided, shall be entitled to take or use the name or title of Ontario Land Surveyor, either alone or in combination with any other word or words, or any name, title or description implying that he is registered. Any person who, after the above date, not being registered under this

Act,

Act, takes or uses such name, title or description as aforesaid, shall be liable on summary conviction to a fine not exceeding $20 for the first offence, and not exceeding $50 for each subsequent offence.

Register of practising surveyors

12. The registrar of the association shall in every year cause to be printed, published and kept for inspection at his office, free of charge, under the direction of the council, a correct register of the names in alphabetical order, according to the surnames, with the respective residences, in the form set forth in schedule "C" to this Act or to the like effect, of all persons appearing on the general register, on the first day of January in every year, and such register will be called the "Surveyors' Register," and a copy of such register, for the time being, purporting to be so printed and published as aforesaid, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; provided always that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the association of the entry of the name of such person in the register, shall be evidence that such person is registered under the provisions of this Act.

Penalty for making improper entries.

(2) If the registrar shall wilfully make or cause or allow to be made any falsification, in any matters relating to the register, he shall be deemed to be guilty of an offence, and shall be liable, upon summary conviction therefor, to a fine of not less than $20 and not more than $50, and in default of payment, to imprisonment for a period of six months, unless the fine and costs shall be sooner paid.

Penalty for procuring entry by fraud.

13. Any person who wilfully procures or attempts to procure registration under this Act, by making or producing or causing to be produced, or made any false or fraudulent representation or declaration, either verbally or in writing, that he is entitled to such registration, shall be deemed guilty of an offence, and shall be liable, upon summary conviction thereof, to a fine of not less than $20 and not more than $50, and in default of payment, to imprisonment for a period of six months, unless the fine and costs be sooner paid, and the council may remove the name of the offender from the registry.

Recovery of fees and penalties.

14. All fees payable under this Act may be recovered as ordinary debts due the association, and all penalties under this Act may be recovered and enforced before one or more Justices of the Peace, in manner directed by the Revised Statutes of Canada, chapter 178, entitled *The Summary Convictions Act*, and any Act amending the same.

(2) Any sum or sums of money arising from convictions and recovery of penalties as aforesaid, shall be paid immediately upon the recovery thereof, by the convicting magistrate to the registrar of the association.

(3)

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties as may be expedient towards the payment of such prosecutor.

Service of notices, how effected.

15. Subject to the other provisions of this Act, all notices and documents required by, or for the purposes of this Act to be sent, may be sent by post by registered letter, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of mail, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepared and properly addressed and put in the post. Such notices and documents may be in writing or in print, or partly in writing and partly in print, and when sent to the council or other authorities, shall be deemed to be properly addressed if addressed to the said bodies or authorities, or to some officer of the council or authority at the principal place of business of the council or authority, and when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the association.

Application of fees.

16.—(1) All moneys arising from fees payable on registration, or the annual fees, or from sale of copies of the register or otherwise shall be paid to the registrar of the association to be applied in accordance with such regulations as may be made by the council for defraying the expenses of registration, and other expenses of the execution of this Act.

(2) The council shall have power to invest any sum not expended as above, in such securities as shall be approved of by the Government of the Dominion of Canada or of the Province of Ontario, in the name of any three of their number appointed as trustees, and any income derived from any such invested sums shall be added to and considered as part of the ordinary income of the association.

(3) The association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, lecture rooms, libraries, or for any other public purpose connected with land surveying.

Accounts to be kept.

17. The secretary-treasurer, registrar of the association, shall enter in books to be kept for that purpose a true account of all sums of money by him received and paid under this Act, and such account shall be audited by the auditors, and submitted to the council and association at such time or times as they may require, and it shall be the duty of the said secretary-treasurer, as registrar of the association to keep the

register

register in accordance with the provisions of this Act, and by-laws of the association and the orders and regulations of the council.

Short title. **18.**—(1) This Act may be cited as *The Ontario Land Surveyors Act*, and may be read with and as part of said chapter 152 of the Revised Statutes of Ontario, 1887.

Interpretation. (2) The words, "Ontario Land Surveyor" shall include the words, "Provincial Land Surveyor."

SCHEDULE "A."

(Section 9.)

NAME.	Residence. P.O. address	Qualifications and additions.	When admitted.	When ceased to practice.	When died.

SCHEDULE "B."

(Section 4.)

FORM OF VOTING PAPER.

Association of Ontario Land Surveyors election 18 .

I, of the in the county of member of the Association of Ontario Land Surveyors, do hereby declare,

(1) That the signature affixed hereto is my proper hand writing.

(2) I vote for A. B., of the of in the county of , (as president, vice-president, secretary-treasurer, auditor *or* auditors, *as the case may be.*)

(3) That I vote for the following persons as members of the council of management of the association of Ontario Land Surveyors

Surveyors:—A. B., of the of in the county of . C. D., of the of in the county of .

(4) That I have signed no other voting paper at this election.

(5) That this voting paper was executed on the day of the date thereof.

Witness my hand this day of , A.D. 18

SCHEDULE "C."

(*Section 12.*)

"Surveyors' Register," 1st January, 18 .

NAME.	Residence. P. O. address.	Qualifications and additions.

CHAPTER 35.

An Act to amend The Ontario Joint Stock Companies' Letters Patent Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Companies for manufacturing cheese authorized to manufacture and sell butter.

1. A company incorporated by letters patent under the provisions of *The Ontario Joint Stock Companies' Letters Patent Act* or under the provisions of any Act of the Legislature of the former province of Canada for the manufacture of cheese, may without obtaining supplementary letters patent carry on the business of manufacturing and

selling

selling butter, provided the shareholders shall by a vote of not less than two-thirds in value of those present in person or by proxy at a general meeting of the company duly called for considering the subject, determine to extend its business so as to include the manufacture and sale of butter.

Extension of business of companies incorporated under 51 V. c. 24.

2. A manufacturing association formed under the provisions of the Act passed in the 51st year of Her Majesty's reign, intituled *An Act for the incorporation of Cheese and Butter Manufacturing Associations*, for the manufacture of cheese, may on and subject to the making of a rule for that purpose in accordance with the provisions of the said last mentioned Act extend its business so as to include the manufacture and sale of butter.

CHAPTER 36.

An Act to amend The General Road Companies' Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 159, s. 70.

1. Section 70 of *The General Road Companies' Act* is repealed and the following substituted therefor :—

Election of directors by municipalities controlling stock.

70. Where a municipal council holds stock in the company and is by law entitled to vote for the election of directors and holds a controlling amount of the stock in the company, such council shall by resolution appoint such number of directors only as will suffice to form a majority of the board of directors, and all members of such municipal councils, whether shareholders in their own right or not, and any ratepayer in the municipality not being a shareholder in his own right shall be eligible to be appointed directors on behalf of the municipality, and the shareholders other than such corporation shall elect the other directors.

53 V., c. 42, s. 2 amended.

2. Section 2 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 42, entitled *An Act to amend the General Road Companies' Act* is amended by striking out the word "and" in the second line of said section, and by inserting in lieu thereof the words "having any special charter or Act of incorporation or."

3.

Appointment by engineer to inspect roads out of repair.

3. In the case of a road company having a special charter or Act of incorporation, the engineer in the said Act mentioned shall be an engineer appointed by the county court judge or by the senior county court judge if there are in the county more county court judges than one; and such engineer shall be appointed as provided by sections 100 and 101 of *The General Road Companies' Act*, and the subsequent proceedings may be as provided by either *The General Road Companies' Act* or the said subsequent Act amending the same.

Rev. Stat. c. 159.

Pending proceedings not affected.

4. This Act shall not be construed as affecting any pending action; and any such action is to be adjudicated upon as if this Act had not been passed.

CHAPTER 37.

An Act to amend The Timber Slide Companies' Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. 160, amended.

1. *The Timber Slide Companies' Act* is amended by adding the following section thereto as section 55*a*:

Inspection of works of timber slide companies.

55*a*.—(1) The Judge of the County or District Court, or where there is no resident Judge in the district in which the portions of the works to be repaired are situate, the stipendiary magistrate of the district, on the complaint of any person interested in the driving or transmission of timber or logs down any river or stream, over the works of any timber slide company upon which tolls are collected that the works are clearly inadequate by reason of being out of repair, shall appoint an inspector to examine the works of the company, and to report on the state of repair thereof, and the Judge or stipendiary magistrate shall, after report of the inspector, order and direct what repairs are necessary and shall be made by the company, and the time by which the same shall be made and completed. If the company neglects or refuses to make such repairs in obedience to the decision of the Judge or stipendiary magistrate by such time, the person so interested as aforesaid may make them, and the cost and expense thereof, or such portion thereof as the Judge or stipendiary shall determine, shall be a lien and charge in favour of such person on the works and tolls of the company.

(2)

(2) No order shall be made in any one year for repairs upon any one work or improvement which will cost more than $100.

(3) The Judge or stipendiary may require the applicant to deposit with the clerk of the county or district court or with such stipendiary, such sum as will in the opinion of such Judge or stipendiary be sufficient to pay the fees and expenses of the inspector, to be allowed by such Judge or stipendiary, at a rate not exceeding $5 per day and actual travelling expenses, and the said sum in the discretion of the said Judge or stipendiary, when the said works are found to be clearly inadequate by reason of being out of repair, may be made a lien or charge, in favor of the person paying the same, on the works and tolls of the company.

(4) The applicant shall, before the application comes on to be heard, file with the judge or stipendiary a bond signed by himself in the penal sum of $100, and by two sufficient securities (who shall duly qualify) each in the sum of $50, conditioned to pay to the company such costs connected with such application and subsequent proceedings as the company may become entitled to.

(5) Where the portions of the works complained of as clearly inadequate by reason of so being out of repair extend into two districts, the application for the appointment of an inspector may be made to the resident Judge or the stipendiary magistrate of either district.

(6) Four days notice of any application to be made hereunder or by virtue hereof shall be sufficient and the notice may be served for the company upon the president, secretary or superintendent, manager or acting manager, of the company and shall be sufficient where there are telegraphic facilities if sent by telegraph.

(7) The costs attendant upon the application or applications upon the county court or division court scale as the Judge or stipendiary shall direct, shall be in the discretion of the Judge or stipendiary, and he may direct by and to whom the same or any part thereof shall be payable, and the order of the Judge or stipendiary as to payment of costs may be enforced by execution to be issued thereon in case of default.

(8) The word "inspector" where used herein shall mean any person appointed by the Lieutenant-Governor to act as inspector of the works of timber slide companies, and he shall be paid for his services in the manner hereinbefore provided.

(9) Nothing herein contained shall affect section 55 of the said Act.

2. Section 40 of the said Act, amended by section 10 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 43, and the said section 10 are hereby repealed, and the following substituted therefor: Rev. Stat. c. 169, s. 40 and 53 V. c. 43, s. 10, repealed.

Tolls.

40. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions:

	$ cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board, per thousand cubic feet,	06
Oak, elm, or other hardwood, square or flatted, or waney board	09
Saw-logs, 17 ft. and under, per thousand feet, board measure	01
Red and white pine, tamarac, spruce, and hemlock, round or flatted, over 17 ft. and under 30 feet long	01 1/4
Red and white pine, tamarac, spruce, and hemlock, round or flatted, 30 ft. and upwards in length	01 1/2
Sawed lumber	03
Staves, per 1,000 feet	15
Cords of wood, shingle bolts, and other lumber, per cord of 128 ft	02
Spars, per piece	03
Masts, per piece	05
Railway ties other than cedar, in 8 or 16 ft. lengths, per length of 8 feet	1/18
Cedar, round or flatted, 8 ft. long or under, per piece.	1/24
Cedar, round or flatted, over 8 ft. and under 17 ft. long	1/12
Cedar, round or flatted, over 17 ft. and under 23 feet long	1/8
Cedar, round or flatted, over 25 ft. and under 35 ft. long	1/5
Cedar, round or flatted, 35 ft, and upwards	1/3

Varying schedules of tolls.

3. The schedules of tolls as prepared for the current year and filed with the Commissioner of Crown Lands may be varied in accordance with this amendment without advertising, and the time for the approval of the same by the Commissioner of Crown Lands is hereby extended to the 7th day of May next.

CHAPTER

CHAPTER 38.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat, c. 164, ss. 8, 22, 61, and 74, amended.

1. Section 8, sub-section 1 of section 22, section 61 and sub-section 1 of section 74 of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, are respectively amended by striking out the words "incorporated under this Act" where the same occur therein.

Rev. Stat. c. 164 amended.

2. The said Act is amended by adding thereto after section 50 thereof, the following :

Power to issue additional or preferred stock.

50*a*—(1) The directors of any company may make a by-law for creating and issuing additional stock as preference stock giving the same such preference and priority as respects dividends, and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of the shareholders present in person or by proxy, by a majority representing not less than three-fourths of all the ordinary shares, at a general meeting of the company duly called for considering the same or sanctioned in writing by the ordinary shareholders representing three-fourths in value of such shares.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall as against the ordinary shareholders be entitled to the preference given by any by-law as aforesaid.

(5) Nothing in this section contained shall affect or impair the rights of creditors of any company.

Rev. Stat. 164, s. 72 amended.

3. Section 72 of the said Act is amended by inserting the words "and electric" in the second and fourth lines of said section after the word "gas" in the said lines respectively.

Rev. Stat. c. 164, s. 72 amended.

4. Section 72 of the said Act is further amended by striking out the figures "$100,000" in the sixth line thereof, and substituting therefor the figures "$150,000."

54 V. c. 35, repealed.

5. The Act passed in the 54th year of Her Majesty's reign chaptered 35, entitled *An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water* is repealed.

Rev. Stat. c. 164 not to affect right of municipality to take possession.

6. The provisions contained in the *Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, authorizing companies to borrow money and to mortgage their real estate and works, shall not nor shall anything done in pursuance of such provisions in any way interfere with or prejudice the right of any municipal corporation, desiring so to do, to take possession of the works of the company and all property used in connection therewith for the purposes of supplying gas and water, in pursuance of and subject to the terms of sections 98 to 106, both inclusive, of the said Act and in such event, all mortgages, liens, bonds, debentures or other securities shall cease to be a charge on the works of the company and all property used in connection therewith, but they shall nevertheless be a charge on any moneys to be paid by the municipality therefor.

CHAPTER 39.

An Act respecting Insurance Corporations.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Insurance Corporations Act, 1892.*

Interpretation.

2. In this Act unless the context otherwise requires:—

"Province." "Legislature."

(1) "Province" and "Legislature" mean respectively the Province and Legislature of Ontario.

(2)

(2) "Inspector" means the Inspector of Insurance for the Province. "Inspector."

(3) "Registrar" means the Registrar of Friendly Societies for the Province. "Registry" as applied to corporations means registration on the Insurance License Register, or on the Friendly Society Register, according as the matter pertains to an Insurance Company or a Friendly Society respectively. "Registry Officer" means the Inspector of Insurance or the Registrar of Friendly Societies, according as the matter pertains to an Insurance Company or to a Friendly Society respectively. "Registrar." "Registry." "Registry" Officer."

(4) "Society," or "Friendly Society," includes any corporation, society, association, or fraternity, benevolent, mutual, provident, industrial, or co-operative, or the like, which, not being a corporation within the intent of sections 5 or 6 of this Act, required by law to be licensed for the transaction of insurance, undertakes or effects for valuable consideration, or agrees, or offers so to undertake, or effect, with any person in the Province, any contract of insurance; and, in the case of any insurance corporation whatsoever, any setting up of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation in the corporation's behalf, or any collecting or taking of premiums of insurance shall be deemed, "offering to undertake contracts" within the intent of this Act. "Society" or "Friendly" society. "Offering to undertake contracts."

(*a*) Provided that where the corporation is not organized exclusively for purposes of such contracts, then "Society" means only that branch, or department, or division of the corporation which has such contracts in charge; and for purposes of such contracts there shall be kept distinct and separate funds, books, accounts, and vouchers. Proviso.

(*b*) Provided also, that where two or more lodges or branches (by whatever name known) of a society though separately incorporated, are under the financial or administrative control of a central governing body within the Province, or a duly authorized Provincial representative of the society, then such governing body, if incorporated, or such Provincial representative of the society may, in the discretion of the Registrar, be dealt with as the society for any or all purposes of this Act. Proviso.

(*c*) Provided also, that, in the case of a friendly society incorporated elsewhere than in Ontario, the central governing or controlling body within the Province, if incorporated by virtue of a statute of Ontario, Proviso.

may

may, in the discretion of the Registrar, be dealt with as the society for any or all purposes of this Act.

"Branch." (5) "Branch" means any number of the members of a corporation under the control of a central body, having within the intent of sub-section 13 of this section, a separate insurance fund administered by themselves, or by a committee of officers appointed by themselves;

Provided that, in the corporations mentioned in sub-sections 2 and 4 of section 9, "Branch" shall include the committee or persons having, under the authority of the respective Acts of Canada, the management of the benefit and insurance funds, or gratuity funds, respectively.

"Registered" corporation or person. "Unregistered" corporation or person. (6) "Registered" corporation or person means a corporation or person duly registered or deemed to be so registered under this Act; and "Unregistered" corporation or person includes any corporation or person not so registered or not deemed to be so registered for the kind or character of insurance transacted or undertaken, or offered to be undertaken or transacted, whether such corporation or person was never duly registered for that purpose, or, having been so registered, lost such registry through non-renewal, suspension, revocation or cancellation.

"Premium." (7) "Premium" includes any valuable consideration given or promised for insurance.

"Contract." (8) "Contract" means and includes any contract or agreement sealed, written, or oral, the subject matter of which is within the intent of sub-section 12 of this section.

"Written." (9) As applied to any instrument, "written" means and includes an instrument written or printed, or partly written and

"Sealed." partly printed; and "sealed" means an instrument under corporate or other seal.

"Benefit" (10) "Benefit" includes all benefit, bonus and insurance moneys payable by the corporation under the contract; and

"Beneficiary." "Beneficiary" includes every one entitled to such moneys, and the executors, administrators and assigns of every one so entitled.

"Maximum." (11) "Maximum" means the largest sum which, under the contract, the benefit may reach, but may not in any event exceed.

"Insurance." (12) "Insurance" includes the following, whether the contract be one of primary insurance, or of reinsurance, and whether the premium payable be a sum certain, or consist of sums uncertain or variable in time, number or amount:—

(*a*) Insurance against death, sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition; and

(*b*)

(*b*) Insurance against financial loss; or against loss of work, employment, practice, custom, wages, rent, profits, income, or revenue; and

(*c*) Insurance of property against any loss or injury from any cause whatsoever, whether the obligation of the insurer is to indemnify by a money payment, or by restoring or reinstating the property insured; and

(*d*) Contracts of endowment, assessment-endowment, tontine, semi-tontine, life-time benefits, annuities on lives; or contracts of investment involving tontine or survivorship principles for the benefit of persisting members; or any contract of investment involving life contingencies; and

(*e*) Any contract made on consideration of a premium and based on the expectancy of life; or any contract made on such consideration and having for its subject the life, safety, health, fidelity, or insurable interest of any person, whether the benefit under the contract is primarily payable to the assured or to his nominee or assign, or to his representatives, or to or in trust for any beneficiary, or to the assured by way of indemnity or insurance against any liability incurred by him by or through the death or injury of any person; and

(*f*) Any investment contract under which lapses, or payments made by discontinuing members or investors, accrue to the benefit of persisting members or investors, except where a corporation other than an insurance corporation is expressly authorized to undertake such contract by a statute in force in Ontario; and

(*g*) Generally any contract in the nature of any of the foregoing whereby the benefit under the contract accrues payable on or after the occurrence of some contingent event.

"Insurance corporation."

(13) "Insurance Corporation," or "Corporation" simply includes any corporation which undertakes, or offers to undertake a contract of insurance within the meaning of the preceding sub-sections.

"Insurance Fund" or "Insurance Funds."

"Insurance Fund," or "Insurance Funds" as applied to any Friendly Society within the meaning of sub-section 4 of this section, or as applied to any corporation not incorporated exclusively for the transaction of insurance, includes all moneys, securities for money, and assets appropriated by the constitution, by-laws, or rules of the society to the payment of insurance liabilities, or appropriated for the management of the insurance branch or department or division of the society, or otherwise legally available for insurance liabilities.

"The

"The insurer." "The insurer" means the corporation undertaking the contract of insurance or of reinsurance, as the case may be.

"The assured." "The assured" means the person whose property, life, safety, health, fidelity, or insurable interest is insured.

"Assessment Insurance," or "Insurance upon the Assessment system." (14) "Assessment Insurance," or "Insurance on the Assessment System," includes any contract in which the premium, not being a premium note authorized by any statute in force in Ontario, consists of sums uncertain or variable in time, number or amount; and also any contract whereby the benefit is in any manner or degree made dependent upon the collection of sums levied upon persons holding similar contracts, or upon members of the contracting corporation;

Provisos. Provided, that any assessment insurance undertaken or transacted under the authority of *The Insurance Act* of Canada, shall be deemed assessment insurance for purposes of this Act;

Provided also that every application, contract, or other instrument of such insurance, and every circular, advertisement or publication soliciting insurance issued or used in Ontario for purposes of assessment insurance shall bear the words "Assessment System" printed or stamped in large type at the head thereof; and any contravention of this sub-section shall be punishable as for an offence against section 27, all the provisions of which section shall equally apply to an offence committed against this sub-section.

"Maturity of contract." (15) "Maturity" of an insurance contract means the happening of the event, or the expiration of the term at which the benefit under the contract accrues due.

"Actuarial liabilities." (16) "Actuarial liabilities" means the liabilities chargeable against an insurance corporation in respect of its insurance contracts prior to their maturity.

"Actuarial solvency." "Actuarial solvency" means the solvency of an insurance corporation when its actuarial liabilities are charged or treated as present liabilities.

"Solvent" society. "Solvent," as applied to a friendly society, means a society respecting which it has been made to appear to the Registry Officer that the society has no present liabilities apart from actuarial liabilities, or has immediately realizable assets adequate to discharge its present actual liabilities.

"Collector." (17) "Collector" includes every officer, agent or person receiving pay, however remunerated, who by himself or by any deputy or substitute collects premiums, fees, assessments or other moneys for a corporation.

"Officer." (18) "Officer" extends to any trustee, treasurer, secretary or member of the committee of management of a corporation or person appointed by the corporation to sue and be sued in its behalf.

(19)

(19) "Rules" means and includes provisions of the constitution and rules or regulations, or resolutions or by-laws in force for the time being. "Rules."

(20) "Head Office" means the place where the chief executive officers of an insurance corporation transact its business. "Head Office."

(21) Chief Agency" means the principal office or place of business in Ontario of an extra-provincial corporation undertaking insurance in Ontario. "Chief Agency."

(22) "Due application" includes such information, evidence, and material as the Registry Officer shall require to be furnished; and also the payment to the Provincial Treasurer of the fees hereinafter prescribed in respect of any application, certificate, or document required or issued by virtue of this Act. "Due application."

(23) "Upon proof" as applied to any matter connected with the registry of a corporation or person, or with the registration of any matter or thing required by this Act to be registered, means upon proof to the satisfaction of the Registry Officer. "Upon proof"

3. After the 31st day of December, 1892, no insurance, other than as enacted by and for the purposes of *The Land Titles Act* shall be transacted or undertaken in Ontario except by a corporation duly registered as herein provided. No unlicensed corporation to undertake insurance.

4. Two registers shall be opened and kept as follows: Two registers to be kept.

(1) A register of corporations licensed to transact insurance by license issued either under *The Ontario Insurance Act*, or under *The Insurance Act* of Canada, and registered under this Act; this register which may be known as "The Insurance License Register," shall be kept in the office and under direction of the Inspector of Insurance. Insurance License Register.

But for purposes of this Act "license" shall include the document of authority issued under either section 38 or section 39 of *The Insurance Act* of Canada; and "licensed" shall include corporations authorized under either of the said sections to undertake or transact insurance. Interpretation.

(2) A register of friendly societies authorized hereunder by certificate of registry to undertake insurance contracts, or contracts in the nature of insurance; this register, which may be known as "The Friendly Society Register," shall be kept in the office and under the direction of the Registrar of Friendly Societies. Friendly Society Register.

But the following shall not be entitled to register as a friendly society:— Reservations.

(A) Any corporation licensed or required by law to be licensed for the transaction of business as an insurance corporation. Corporations requiring insurance licenses.

(B)

Or distributing charity or gratuities only.

(B) Any corporation, except as enacted in section 9, having charge of, or managing, or distributing charity, or gratuities, or donations only.

Provided, that where before the 11th day of March, 1891, a corporation was incorporated under the *Act respecting Benevolent, Provident and other Societies*, for the purpose of bestowing gratuities at death or on the happening of sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition, and it is in the opinion of the Registrar, desirable that such payments should be made matter of contractual obligation, the corporation may for this purpose amend its constitution and laws as shall be directed by the Registrar under his hand and the seal of his office; and if, within the time limited in the Registrar's direction, the corporation files in the office where the original declaration of the corporation was filed, the said direction, and a declaration, verified by the oath of its secretary or other proper officer, setting out the amendment so directed and made in the constitution and laws with the date of the said amendment, then upon proof of such filing the Registrar may admit the corporation to registry as a friendly society.

Corporations undertaking other than certain contracts.

(C) Any corporation undertaking or offering to undertake insurance other than contracts of insurance made exclusively with its own members against sickness, accident, disability, infirmity or old age, or for mortuary or funeral benefits, or for the fidelity of members as financial officers of the society or any branch or lodge thereof, or for a sum or for collective sums not exceeding $3,000 in all, payable at the death of the assured.

Proviso.

Provided, (*a*) that upon proof by a friendly society duly incorporated, organized and operated, under the law of Ontario or of Canada, before the eleventh day of March, 1890, that the society was at the said date transacting exclusively with its members endowment insurance in Ontario *bona fide*, and has so continued up to the date of application for registry, the Registrar shall have authority to admit the society to registry as a friendly society transacting endowment insurance according to the terms of the certificate of registry.

Proviso.

Provided, (*b*) That contracts entered into before the passng of this Act shall not hereby be invalidated;

(*D*)

(D) Any joint stock corporation, or any corporation which in effect is the property of the officers or collectors thereof, or which belongs to any private proprietary, or which has less than fifty members in good standing on its books, or which is conducted as a trading or mercantile venture, or for purposes of commercial gain, or the insurance funds of which are held other than as trust funds for the members; and each and every such society shall be deemed to be a corporation within the meaning of sections 5 and 6 of this Act, required by law to be licensed for the transaction of insurance. Or being proprietary, or trading societies, or having under fifty members; or where the funds of the society are not held in trust for members.

(3) This section shall take effect on the first day of July 1892. Commencement of section.

5.—(1) Insurance licensees of the Province of Ontario shall be entitled on the issue or the renewal of their licenses to be registered, without additional charge, upon the Insurance License Register, and the fact of such registration shall before delivery over of the license, original or renewed, be endorsed thereon. Insurance licensees of Ontario, how registered.

(2) Suspension or cancellation or non-renewal of the license issued under *The Ontario Insurance Act* shall, *ipso facto*, and without notice from the Registry Officer, operate in the respective cases as suspension or cancellation of registry under this Act. Suspension or cancellation or non-renewal of Provincial license.

6.—(1) Insurance licensees of the Dominion of Canada shall upon due application, and upon proof of such license subsisting, be entitled to be registered on the Insurance License Register. Insurance licensees of Canada, how registered.

(2) For purposes of this Act, "licensees" shall include corporations authorized by any instrument or document issued under or by virtue of sections 38 or 39 of *The Insurance Act* of Canada, and every licensee licensed under or by virtue of *The Insurance Act* of Canada shall be deemed to be a corporation for the purposes of registration under this section. Interpretation: "Licenses." R. S. O c. 124

(3) Suspension or cancellation of the authorization of a corporation under *The Insurance Act* of Canada shall, *ipso facto* and without notice from the Registry Officer, operate in the respective cases as suspension or cancellation of registry under this Act. Suspension or cancellation or non-renewal of authorization etc., under R. S. C. c. 124.

Provided that when, after such suspension of authorization under *The Insurance Act* of Canada, the corporation has under the said Act been permitted to revive its authorization, the Registry Officer may grant a revivor of registry and issue his certificate of the same. Proviso: revivor of registry.

7.—(1) The duty of determining, distinguishing and registering those insurance corporations, which under this Act or any amending Act are legally entitled to registry on the Insurance Powers and duties of Inspector of Insurance.

License

License Register, and of granting registry accordingly, shall devolve upon the Inspector of Insurance, subject to appeal as hereinafter provided.

(2) For purposes of these duties or of his duties under the Ontario Insurance Act, or under other Acts of this Province relating to insurance, the Inspector may require to be made, or may take or receive affidavits or depositions, and may examine witnesses upon oath.

(3) The remuneration of the Inspector in respect of the services required by this Act shall be such sum as the Legislature shall from time to time determine.

Registration of societies incorporated under Benevolent Societies Acts of Ontario

8.—(1) Where a friendly society other than one of the corporations mentioned in section 9 was incorporated under chapter 167 of the Revised Statutes of Ontario, 1877, or under any of the Acts consolidated thereby, or was prior to the 11th day of March, 1890, incorporated under chapter 172 of the Revised Statutes of Ontario, 1887, or under any of the Acts consolidated thereby, and where the declaration duly certified and filed under the said respective chapters or Acts declared insurance or contracts in the nature thereof as among the purposes of the society, and the society so incorporated was on the tenth day of March, 1890, and is still at the date of application *bona fide* in actual and active operation, and is managed and operated according to the true intent of the said declaration, and of the Act under which the declaration was filed, the society, upon due application, and upon proof of these facts, shall be entitled to be registered on the Friendly Society Register.

Control of insurance funds must be in members or their elected representatives.

(2) No such friendly society shall be deemed to be managed and operated according to the true intent of the *Act respecting Benevolent, Provident and other Societies*, unless the persons insured in or by the society exercise, either directly or through representatives elected for a term not exceeding three years, effective control over the insurance funds of the society; and no corporation whatsoever, wherein the persons, who by virtue of their office have the disposition, control, or possession of the insurance funds hold such office for life, shall be eligible for registry as a friendly society under this Act.

Provided that, where a corporation otherwise entitled to registry under this section is in the opinion of the Registrar debarred by reason of some particular clause or clauses in the rules of the corporation, the corporation may, under the direction of the Registrar, amend its rules in like manner as provided in the second sub-section of section 4 of this Act; and thereupon the Registrar may admit the corporation to registry as a friendly society.

9—(1)

Societies exempted from authorization under the Insurance Act of Canada.

9.—(1) Where a friendly society was, on or before the first day of January, 1892, incorporated by special Act or Acts of the Parliament of Canada, and by such special Act or Acts the society is authorized to undertake insurance contracts or contracts in the nature thereof, without authorization issued under *The Insurance Act* of Canada, such society shall, upon due application for registration hereunder, be entitled to be registered on the Friendly Society Register.

Insurance and benefit societies or funds in connection with sundry corporations.

(2) Any corporation not provided for elsewhere herein, which has, by virtue of an Act of the Parliament of Canada, an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation, shall, upon due application for registry under this Act, be entitled to be registered on the Friendly Society Register.

Trades union insurance benefit societies.

(3) Any lawfully incorporated Trades Union in Ontario which, under the authority of the incorporating Act, has an insurance or benefit fund for the benefit of its own members exclusively, shall, upon due application for registry hereunder, be entitled to be registered on the Friendly Society Register.

Proviso.

Provided that, where any organization of workmen not entering into a formal contract of insurance with its members, provides by its constitution, by-laws or rules for the assistance, relief or support of its members, the Registrar may, by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act; and such certificate shall remain valid until by like writing revoked; and the organization so exempted shall not be subject to any penalty imposed by this Act.

Insurance gratuity fund created by an Act of Canada

(4) Any corporation in Ontario which at the passing of this Act has under authority of an Act of Canada created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition, shall upon due application for registry hereunder be entitled to be registered on the Friendly Society Register.

Foreign friendly societies.

10.—(1) Where a solvent friendly society other than as in the next preceding section included, being duly incorporated, organized, managed, and operated elsewhere than in Ontario, and having in Ontario an agent duly authorized by power of attorney to receive process in all actions and proceedings against the society, was before the eleventh day of March, 1890, in actual *bona fide* operation in Ontario, and at the date of application for registry has a subsisting membership of at least five hundred persons, such persons being *bona fide* residents of Ontario, then, the Registrar upon proof of such facts, and upon proof that the society, if incorporated, organized managed and operated in Ontario, would be a provident society within the meaning of

the

the *Act respecting Benevolent Provident and other Societies* authorized to enter into such contracts of insurance as are by the said society undertaken, the Registrar may, on due application, admit the society to registry as a friendly society.

Proviso. Provided that a society duly registered under *The Friendly Societies Act, 1875*, or any Act consolidated thereby or any amending Act thereto, passed by the Parliament of the United Kingdom, shall be deemed to be duly incorporated for purposes of registration under this section.

Meaning of "solvent society" in s. 10. (2) "Solvent society" in this section shall mean a society respecting which it has been made to appear to the Registry Officer that the society has no present liabilities apart from actuarial liabilities, or has immediately realizable assets adequate to discharge its present actual liabilities.

Power and duties of the Registrar. **11.**—(1) The duty of determining, distinguishing and registering those friendly societies which are legally entitled to registry, and of granting registry accordingly, shall devolve upon the Registrar of Friendly Societies, who may be the Inspector of Insurance, or such other person as the Lieutenant-Governor in Council shall appoint, and such assistants may, by the same authority, be appointed as from time to time the case requires;

Proviso. Provided, the first Registrar of Friendly Societies shall be the Inspector of Insurance.

Evidence. (2) For purposes of his duties under this Act, or under any other Act relating to friendly societies, the Registrar may require to be made, and may take and receive affidavits and depositions and may examine witnesses upon oath.

Salary of Registrar. (3) The salary of the Registrar shall be such sum per annum as the Legislature shall from time to time determine.

Applications for registry. **12.**—(1) Applications of insurance corporations for initial registry under this Act, shall be made according to a form to be supplied by the Registry Officer on request, and the applicant shall deliver to the Registry Officer at his office the application, duly completed, together with such evidence as the form by its terms requires, and the applicant shall furnish such further information, material and evidence, or give such public notice of the application as the Registry Officer shall direct; in the case of corporations transacting or undertaking, or offering to undertake or transact insurance in Ontario at the passing of this Act, such corporations shall make due application for registry on or before the thirtieth day of June, 1892.

Provided that the material required of a friendly society by this sub-section shall include duplicate certified copies of the constitution, laws, rules and regulations of the society, and also of Ontario branches thereof, which documents shall be filed with the Registrar, as shall also all amendments thereto made from time to time thereafter.

(2)

(2) On sufficient cause shown and upon payment of the fee hereinafter prescribed, the Registry Officer may, by writing under his hand and the seal of his office extend the time for the delivery of an application, or for the prosecution or completion of an application already delivered or tendered. Extension of time.

13. The applicant corporation, not being a corporation within the intent of sections 5, or 6, of this Act, shall further deliver to the Registry Officer a statement in such form as is required by the said officer of the financial condition and affairs of the corporation on the 31st day of December, then next preceding, or up to the usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement, and such statement showing the corporation to be solvent shall be signed by the president and secretary or other proper officers of the corporation, and shall be verified by their oath. In certain cases financial statement to accompany application.

14.—(1) Where any corporation applying for registry has its head office elsewhere than in Ontario, its application for registry shall be accompanied by a power of attorney from the corporation to an agent resident in Ontario ; the power of attorney shall be under the seal of the corporation, and be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath or affirmation as to the due execution thereof ; and the official positions in the corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf. Power of attorney to receive service of process must accompany applications in certain cases.

(2) The power of attorney shall declare at what place in the Province the chief agency of the corporation is or is to be established, and shall expressly authorize such attorney to receive service of process in all actions and proceedings against the corporation in the Province for any liabilities incurred by the corporation therein, and also to receive from the Registry Officer all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liabilities, and receipt of such notices at such office or chief agency, or personally, on or by such attorney at the place where such chief agency is established, shall be legal and binding on the corporation to all intents and purposes whatsoever. Contents of power of attorney.

(3) The power of attorney duly executed shall be filed by the Registry Officer in his office. Filing of power of attorney.

15. Duplicates, duly verified as aforesaid, of the documents mentioned in the two next preceding sections shall be filed at Toronto in the office of the Clerk of the Process ; where shall also be filed thereafter, a duplicate of any power of attorney which supersedes or is intended to supersede any prior power of attorney. Duplicate documents to be filed with Clerk of Process.

16.

Changes in chief agent or agency or in contracts.

16. Whenever the corporation changes its chief agent or chief agency in the Province, the corporation shall file with the Registry Officer a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every corporation shall at the time of making the summary or annual statement hereinafter provided for, declare that, in its charter, act of incorporation, deed of settlement, or instrument of association, and in its constitution and by-laws made thereunder, no amendment or change has been made affecting its insurance contracts undertaken or to be undertaken; or if such change made, specifying clearly the change, and that no change has been made in the chief agent or chief agency without in either case such amendment or change having been duly notified to the Registry Officer.

Service of process thereafter.

17.—(1) After the power of attorney is filed as aforesaid, any process in any action or proceeding against the corporation for liabilities incurred in the Province, may be validly served on the corporation at its chief agency; and all proceedings may be had thereon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province: Provided that nothing herein contained shall render invalid service in any other mode in which the corporation may be lawfully served.

Substitutional service of process.

(2) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the Court or a Judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be held to be due service upon the corporation of such process or proceeding.

Reserve funds held in Ontario.

(3) Where, at the passing of this Act, a friendly society having its head office elsewhere than in Ontario has in the charge, possession, custody or power of officers or agents resident in Ontario a reserve fund or funds for the security or assistance of members of the society, such fund or funds shall be deemed to be a fund held in trust for members in the jurisdiction of the said officers or agents, and the said officers or agents shall be deemed and shall continue to be trustees of the said fund or funds until other trustees thereof resident in Ontario are appointed by competent authority; and such trust fund or funds or as much thereof as from time to time remains unexpended shall be invested as enacted in section 29 of this Act.

Recording registry; entries on register.

18.—(1) On the Insurance License Register, or on the Friendly Society Register, as the case may be, the Registry Officer shall cause to be entered the name of every corpora-

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tion which from time to time he shall find legally entitled to registry, together with the date of his finding; also the term for which, in the absence of suspension, revocation or cancellation, the registry is to endure; which term shall begin as from the date of the said finding and shall end not later than the 30th day of June then next ensuing, except in the case of the corporations mentioned in section 6 of this Act, and in the said excepted corporations the term of registry shall not exceed twelve months; he shall also cause to be entered the place where the head office and chief agency, if any, of the corporation are situated, and if there is a chief agency the name and address of the chief agent; also the kind or character of insurance for which the corporation is registered; also if during the term the registry has been suspended, or revived, or revoked, or cancelled, the date and authority for such suspension, revivor, revocation, or cancellation.

Issue of certificates of registry.

(2) To all corporations registered as above, the Registry Officer shall issue under his hand and the seal of his office, a certificate of registry or of renewed registry, as the case may be, setting forth that it has been made to appear to him that the corporation is entitled to registry as an insurance company or friendly society (as the case may be) under this Act, and that the corporation is accordingly registered for the term and for the purposes stated in the certificate.

Duration and renewal of registry in case of certain corporations.

19.—(1) In the case of those corporations mentioned in section 6 of this Act, which receive from time to time a license or other document of authority under *The Insurance Act* of Canada, the corporation shall annually after its first registration hereunder present to the Registry Officer the then subsisting document of authority, within thirty days after the date thereof, and upon due presentation of the same and upon payment of the fee hereinafter prescribed, shall be entitled to registry hereunder, or to renewal of registry, as the case may be, and in default of registry or of renewal of registry within the said thirty days, the corporation shall be deemed to be unregistered.

Proviso

Provided that such presentation may be dispensed with on the Registry Officer receiving from the proper officer of the Dominion of Canada notice that such license or document of authority has in fact issued to the corporation named in the notice and authorizes the transaction of insurance of the kind and for the term specified in the notice.

Suspension or cancellation of the document of authority under Insurance Act of Canada.

(2) The suspension or cancellation or non-renewal of such document of authority issued under *The Insurance Act* of Canada, shall in the respective cases operate *ipso facto* as a suspension or cancellation of registry under this Act, without notice from the Registry Officer; but registry so suspended may be revived as provided in section 6 of this Act.

20.

Duration of registry in all other corporations.

20. In the case of all corporations other than those in the next preceding section mentioned, any certificate of registry issued under this Act not being an interim or an extended certificate, shall, unless sooner suspended or cancelled, remain valid until the then next ensuing thirtieth day of June inclusive, when, if the corporation has filed the summary statement required by section 29, or the annual statement prescribed in section 47 as the case may be, and also properly certified copies of all amendments to its constitution, laws, rules and regulations made since the next preceding summary or annual statement, and has otherwise complied with the law, the corporation shall be entitled to a certificate of renewed registry, and so on every succeeding thirtieth day of June thereafter.

Renewal of registry.

Interim certificate.

21. Upon proof that a corporation has by accident or unavoidable cause been prevented from fully complying with the provisions of this Act within the time herein prescribed, and upon payment of the fee hereinafter enacted, the Registry officer may by writing, under his hand and the seal of his office, grant for a time limited therein an interim certificate of registry, or may by such writing extend for a limited time the duration of a subsisting certificate of registry; but in default in either case of renewal of registry before the expiry of the time so limited the corporation shall be deemed to be unregistered.

Extension of certificate.

No deposit required or permitted, in the case of friendly societies.

22.—(1) No friendly society within this Act shall be required or permitted to make any deposit whatsoever of cash or securities with the Insurance Department or other Department of the Province of Ontario; nor shall the Registrar, in any initial or renewal certificate of registration, or other publication vouch for the financial basis, or for the actual or actuarial solvency or standing of any society; nor shall the printing of a society's annual statement in the Registrar's Report, operate, or be anywise construed as a warranty of such basis or of such solvency or standing; but a friendly society may include in its annual statement to the Registrar a valuation, made by a competent actuary and verified by his oath, of any or all of the contingent liabilities of the society; and the Registrar may in his Annual Report publish an abstract of such valuation as part of the society's statement;

Registrar's Report no warranty of basis or condition.

Proviso.

(2) The registration of a friendly society under this Act or under any amending Act shall not be deemed to authorise the society to undertake contracts of insurance elsewhere than in the Province of Ontario.

Misrepresentation of registry.

(3) No Friendly Society shall under penalty of becoming disentitled to registry, circulate, publish, or print any statement contrary to the intent of this section; and any officer, employee or agent of the society who makes use of such contrary statement for the purpose of obtaining or transacting

insurance,

insurance, shall be guilty of an offence, and shall, upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, be liable as for an offence against section 27 of this Act, and all the provisions of the said 27th section shall equally apply in the case of an offence committed against this section.

Similarity of name; new name.

23. No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or so nearly resembling such name as to be likely, nor shall be registered under any other name likely, in the opinion of the Registry Officer, to deceive the members or the public as to its identity; and no registered corporation shall be registered under a new or a different name except upon proof that such new or different name is authorized by law.

Change of corporate name.

24.—(1) Where an insurance corporation within the legislative authority of this Province is desirous of adopting a name different from that by which it was incorporated, or where in the opinion of the Registry Officer the name by which the corporation was incorporated may be easily confounded with that of any other existing corporation, the Lieutenant-Governor in Council, upon the recommendation of the Registry Officer, may change the name of the corporation to some other name to be set forth in the Order in Council; but no such change of name shall affect the rights or obligations of the corporation; and all proceedings which might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name.

Public notice.

(2) Of any such change of name, or application for change of name, such public notice shall be given in the *Ontario Gazette* and otherwise as the Registry Officer shall direct.

Rev. Stat. c. 167, s. 20 repealed; ss. 22 and 23 amended; c. 172. s. 19 (1) amended.

(3) Section 20 of *The Ontario Insurance Act* is hereby repealed; and sections 22 and 23 of the said Act are amended by striking therefrom the words "of name or" wherever they occur; also sub-section 1 of section 19 of *The Act respecting Benevolent, Provident and other Societies* is amended by inserting after "society," in the first line thereof, the words "not being an insurance corporation within the meaning of the *Insurance Corporations Act, 1892*."

Suspension or cancellation of registry.

25.—(1) Upon proof that any registry or certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or has, in terms of section 44, made default of payment, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar; but such suspension or cancellation shall be appealable as hereinafter provided.

Notice of suspension or cancellation of registry to corporation.

(2) On the suspension or cancellation of the registry of any corporation, except as herein otherwise enacted, the Registry Officer shall, by registered post or otherwise, cause notice thereof in writing under his hand to be delivered to the head office or chief agency of the corporation in Ontario; and from the date of such delivery the corporation shall be deemed to be unregistered, but, in the case of suspension of registry, only whilst such suspension lasts; and from and after such delivery the corporation shall withdraw every offer to undertake contracts, and shall absolutely cease to undertake contracts, but without prejudice to any liability actually incurred by such corporation which may be enforced against the same as if such suspension or cancellation had not taken place.

Effect of notice delivered.

Evidence of registry; semi-annual list to be published.

26.—(1) The registry officer shall cause to be published in the *Ontario Gazette*, in February and July of each year, respectively, a list of the corporations which stand registered at the date of the list; also, if, in the interval between two such lists of registered corporations, a new corporation is registered, or the registry of any corporation is suspended or cancelled, or if a suspended registry is revived, he shall cause notice thereof to be published in the *Ontario Gazette*.

Effect of notice in *Gazette*.

(2) A list or notice published in the *Ontario Gazette* over the name of the Registry Officer shall, without further proof, be received in any court and before all justices of the peace and others as *prima facie* evidence of the facts set forth in such published list or notice.

Official publications to be evidence.

(3) All copies of returns, reports or other official publications of the Registry Officer purporting to be printed by the Printer to the Crown, or the Printer to the Legislative Assembly, or to be printed by order of the Legislative Assembly, shall, without further proof, be admitted as evidence of such publication and printing and as true copies of the original documents so printed and published.

Registry Officer's seal or signature.

(4) The seal or signature of the Registry Officer shall be admssible in evidence without proof of its authenticity; or of the official character of the person signing.

Certificate as to facts.

(5) A certificate under the hand of the Registry Officer and the seal of his office, that on a stated day the corporation or person mentioned therein stood registered or did not stand registered within the meaning of this Act, or that the registry of any corporation or person was originally granted, or was renewed, or was suspended, or was revived, or was revoked, or was cancelled on a stated day, shall be *prima facie* evidence in any court or elsewhere of the facts alleged in the certificate.

Commencement and end of certificate.

(6) Every certificate of registry granted under this Act shall specify the first day, and also the last day, of the term for which the corporation or person is registered; and the

corporation

corporation or person so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified.

(7) Copies of or extracts from any book, record, instrument or document in the office of the Registry Officer certified by him to be true copies or extracts and sealed with the seal of his office, shall be *prima facie* evidence of the same legal effect as the original in any court or elsewhere. Copies or extracts from office documents.

(8) For purposes of this section Registry Officer shall include the Deputy or Assistant Registry Officer. "Registry Officer" to include deputy.

27.—(1) After the 31st day of December, 1892, no person or persons, or body corporate or unincorporated, other than a corporation standing registered under this Act and persons duly authorized by such registered corporation to act in its behalf, shall undertake or effect, or offer to undertake or effect, any contract of insurance. No unregistered corporation to undertake insurance

(2) If any promoter, organizer, office-bearer, manager, director, officer, collector, agent, employee, or person whatsoever, other than as enacted in the next preceding sub-section, undertakes or effects, or agrees or offers to undertake or effect any contract of insurance, he shall be guilty of an offence, and upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, shall be liable to a penalty not exceeding $200 and costs, and not less than $20 and costs and in default of payment the offender shall be imprisoned with or without hard labour for a term not exceeding three months and not less than one month; and on a second or any subsequent conviction he shall be imprisoned with hard labour for a term not exceeding twelve months and not less than three months. Penalty.

(3) Any one may be prosecutor or complainant under this Act; and one-half of any fine imposed by virtue of this Act shall, when received, belong to Her Majesty for the use of the Province, and the other half shall belong to the prosecutor or complainant. Application of fine.

(4) Any person convicted under this Act who gives notice of appeal against the decision of the convicting justice shall be required before being released from custody to give to the justice satisfactory security for the amount of the penalty, costs of conviction, and appeal. Appeal. Security for costs.

(5) In any trial or cause, or proceeding under this Act the burden of proving registry, shall be upon the corporation or person charged. Burden proof.

(6) All informations or complaints for the prosecution of offences under this Act shall be laid or made in writing within one year after the commission of the offence. Limitation of prosecutions.

(7)

Rev. Stat. c. 167, ss. 55, 56 repealed : s. 3 (2) amended.

(7) Sections 55 and 56 of *The Ontario Insurance Act* are hereby repealed; also sub-section 2 of section 3 of the said chapter is amended by striking out all the words after the word "apply" in the first line thereof and substituting the words following: "To any corporation standing registered on the Friendly Society Register, pursuant to *The Insurance Corporations Act, 1892*."

Corporation to keep such books as may be directed by Registry Officer.

Rectification of disordered books.

28.—(1) Every registered corporation except the corporations mentioned in section 6 hereof, shall keep such a classification of its contracts, and such register and books of account as may from time to time be directed or authorized by the Registry Officer; and if it appears at any time to the Registry Officer that such books are not kept in such business-like way as to make at any time a proper showing of the affairs and standing of the corporation, he shall thereupon nominate a competent accountant to proceed, under his directions, to audit such books and to give such instructions as will enable the officers of the corporation to keep them correctly thereafter; the expense of the accountant shall be borne by the corporation to which he is sent, and shall not exceed $5 per day and necessary travelling expenses; and the account for such audit and instructions shall, when approved under the hand of the Registry Officer, be payable by the corporation forthwith.

Rev. Stat. c. 167, s. 100, repealed.

(2) Section 100 of *The Ontario Insurance Act* is hereby repealed.

Annual audit of societies' books.

Summary statement to be furnished to members; and filed with Registrar.

29.—(1) It shall be the duty of the officers of every registered friendly society to have at least once in every year a *bona fide* and business-like audit made of its books of record and account, by at least two competent auditors, who shall not be officers of the society; and to furnish to each member annually a summary statement, showing as the result of such audit, or audits, the society's actual assets, liabilities, receipts and expenditures, and the state of the insurance fund or funds, and a copy of such summary statement, signed and certified by the auditors, shall be filed in the office of the Registrar. on or before the first day of March in each year.

Proviso.

Provided that the society, instead of furnishing such summary statement to each member individually, may deliver to each lodge or local branch, for the information and use of the members thereof, at least twenty-five copies of the summary statement; of which also at least one copy shall be kept posted up in a place accessible and convenient to the members generally, there to remain posted until at least one month after the posting of the next succeeding statement; also one copy of the said summary statement shall be kept on record and shall be made accessible to the members generally.

Permissible investments.

(2) The surplus insurance funds of a society or branch within the intent of section 8 shall in the name of the society or branch be invested in securities which are a first charge on

land

land held in fee simple, or in registered debentures of societies authorized by sections 4 and 5 of an Act passed in the 54th year of Her Majesty's reign and chaptered 19; or in debentures of a municipality of Ontario, such securities or debentures being in other respects reasonable and proper; or in securities of the Dominion of Canada, or of the Province of Ontario; or shall remain deposited at interest in the name of the society in any chartered bank of Ontario or in any building society or loan company in Ontario by any Act of Ontario or of the Dominion of Canada duly authorized to receive deposits.

Special audit in case of fraud, illegal acts, or default of audit.

30.—(1) If it is established to the satisfaction of the Registrar that the accounts of any registered society have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed in the office of the Registrar a requisition for audit bearing the signatures, addresses, and occupations of at least twenty-five persons being members of the society, or claimants, or persons entitled to claim, or having insurable interest under contracts of the society, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, the Registrar may nominate a competent accountant, who, shall, under the directions of the Registrar, make a special audit of the society's books and accounts and report thereupon to the Registrar, in writing, verified upon oath.

Credentials of special auditor.

(2) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the Secretary or to any managing officer of the society, a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated such auditor to audit the books and accounts of the society.

Expense of special audit.

(3) The expense of such special audit shall be borne by the society, and the auditor's account therefor, when approved in writing by the Registrar, shall be conclusive and shall be payable by the society forthwith.

Proviso.

Provided nevertheless that where an audit is requested as in sub-section 1, the persons so requesting it shall together with their requisition deposit with the Registrar proper security for the costs of the audit in a sum not exceeding $200 as he shall determine; and where the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit.

Books, the property of society.

(4) The books used by any collector or recording moneys received for the society shall be the property of the society, nor shall any collector or officer, or employee of the society have in these or in any other of the books of account or record any ownership or proprietary right, or right of lien, whatso-

ever

ever; and all such books, as well as the vouchers or documents relating to the contracts of the society, shall be deemed to be included in the audit, prescribed by this section.

Untrue entries etc.

(5) Every director, officer, manager, agent, collector, or employee of the society, who knowingly makes or publishes, or assists to make or publish, any wilfully false statement of the society's financial affairs, or who makes or assists to make any untrue entry in any book of record, entry, or account, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected or audited either for the general purposes of the society or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, shall be imprisoned in the Central Prison, or in any gaol of the Province with or without hard labour for a period not exceeding twelve months.

When the society refuses or obstructs audit.

(6) When a society by its officer, employee or agent having in his custody, possession or power, the funds, books or vouchers of the society refuses to have the same duly audited as provided by section 29, and by this section, or obstructs an auditor in the performance of his duties, the Registrar upon proof of the fact may suspend or cancel the registry of such society; but such suspension or cancellation shall be appealable as hereinafter provided.

Report of special auditor.

31.—(1) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the society, or a repudiation of its contracts, or insolvency, the Registrar shall notify the society accordingly, and furnish the society with a copy of the special auditor's report, allowing two weeks for a statement to be filed by the society with the Registrar in reply.

Registrar's decision.

(2) Upon consideration of the special auditor's report, and of the society's statement in reply, and of such further evidence, documentary or oral, as the Registrar may require, the Registrar shall render his decision in writing, and may thereby continue, or suspend, or cancel the registry of the society; but such decision shall be appealable, as hereinafter provided.

Evidence may be under oath.

(3) The evidence may be given under oath, which oath the Registrar may administer.

Rules deliverable on demand.

32.—(1) A copy of all rules of a friendly society relating to its insurance contracts and to the management or application of its insurance funds shall be delivered by the society to every person on demand, on tender of twenty-five cents.

Delivery of untrue rules.

(2) If any officer or agent of a society, with intent to mislead or defraud, gives to any person a copy of rules other than the rules then in force, on the pretence that the same are the rules

then

then in force, he shall be guilty of an offence; and shall, upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, be liable as for an offence committed against section 27 of this Act.

Terms, etc., of contract invalid unless set out in full.

33.—(1) Where any insurance contract made by any corporation whatsoever within the intent of section 2 of this Act is evidenced by a sealed or written instrument, all the terms and conditions of the contract shall be set out by the corporation in full on the face or back of the instrument forming or evidencing the contract; and unless so set out, no term of, or condition, stipulation, warranty or proviso modifying or impairing the effect of any such contract made or renewed after the commencement of this Act shall be good or valid, or admissible in evidence to the prejudice of the assured or beneficiary.

Proviso.

Provided that a registered friendly society may instead of setting out the complete contract in the certificate or other instrument of contract, indicate therein by particular references those articles or provisions of the constitution, by-laws or rules which contain all the material terms of the contract not in the instrument of contract itself set out; and the society shall at or prior to the delivery over of such instrument of contract deliver also to the assured a copy of the constitution, by-laws and rules therein referred to.

Proviso.

Provided also that nothing in sub-sections 1, 2 and 3 of this section contained shall be deemed to impair the effect of the provisions contained in sections 114 to 118 inclusive of *The Ontario Insurance Act*, or the effect of the provisions contained in section 56 of an Act passed in the fifty-second year of Her Majesty's reign and chaptered 33.

Contract not to be invalidated by erroneous statement in application unless material.

(2) No contract of insurance made or renewed after the commencement of this Act shall contain, or have endorsed upon it, or be made subject to any term, condition, stipulation, warranty or proviso, providing that such contract shall be avoided by reason of any statement in the application therefor, or inducing the entering into of the contract by the corporation, unless such term, condition, stipulation, warranty or proviso is limited to cases in which such statement is material to the contract, and no contract within the intent of section 2 of this Act shall be avoided by reason of the inaccuracy of any such statement unless it be material to the contract.

Materiality, how decided

(3) The question of materiality in any contract of insurance whatsoever shall be a question of fact for the jury, or for the court if there be no jury; and no admission, term, condition, stipulation, warranty or proviso to the contrary, contained in the application or proposal for insurance, or in the instrument of contract, or in any agreement or document relating thereto shall have any force or validity.

(4)

Insurer's right of entry after loss.

(4) After any loss or damage to insured property the insuring corporation, called hereinafter the insurer, has by a duly accredited agent an immediate right of entry and access sufficient to survey and examine the property, and make an estimate of the loss or damage; but the insurer is not entitled to the disposition, control, occupation, or possession of the insured property, or of the remains or salvage thereof, unless the insurer undertakes reinstatement, or accepts abandonment of the property.

Duty of assured after loss.

After any loss or damage to insured property, it is the duty of the assured when, and as soon as practicable to secure the insured property from damage, or from further damage, and to separate as far as reasonably may be, the damaged from the undamaged property, and to notify the insurer when such separation has been made; and thereupon the insurer shall be entitled to entry and access sufficient to make an appraisement or particular estimate of the loss or damage:

Proviso.

Provided that at any time after the loss or damage the insurer and the assured may under a term of the contract of insurance or by special agreement, make a joint survey, examination, estimate, or appraisement of the loss or damage, in which case the insurer shall be deemed to have waived all right to make a separate survey, examination, estimate, or appraisement thereof.

Error in age not to avoid contract; but benefit to abate.

34—(1) Where the age of a person is material to any contract within the intent of section 2, and such age is given erroneously in any statement or warranty made for purposes of the contract, such contract shall not be avoided by reason only of the age being other than as stated or warranted, if it shall appear that such statement or warranty was made in good faith and without any intention to deceive; but the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same ratio to the sum that such person would otherwise be entitled to recover as the premium proper to the stated age of such person bears to the premium proper to the actual age of such person,—the said stated age and the actual age being both taken as at the date of the contract.

Proviso.

Provided that in no case shall the amount receivable exceed the amount stated or indicated in the contract.

"Premium."

(2) For purposes of the next preceding sub-section the word "premium" shall mean the net annual premium as shewn in the Hm. table of the Institute of Actuaries of Great Britain, the rate of interest being taken at 4½ per cent. per annum.

Fractional part of year.

(3) If the error in age includes a fractional part of a year exceeding a half year, such fractional part shall be computed as a whole year, but if the fractional part does not exceed a half year it shall be wholly disregarded in the computation.

(4) When, by the terms and for the purposes of the contract, the age of the person in respect of whose age the contract is made is taken to be greater than the actual age of such person, the number of years added to such age shall, for purposes of the calculation provided for by this section, be added to the true age of such person. Where age is taken as greater than known age.

(5) Where any error is discovered in respect of any contract of life insurance, or of the premium or premiums paid or to be paid upon such contract, nothing herein contained shall be construed in any way to prevent at any time before the maturity of the contract an adjustment between the insurer and the assured of the amount or amounts payable in respect of any insurance effected, or of the premium or premiums paid or to be paid. Error may be adjusted between insurer and assured at any time before maturity of contract.

35.—(1) In this section the word "life" includes accident sickness, infirmity, casualty and disability; and the expression "life insurance" includes any contract of insurance having for its subject the life, health, safety, or physical or mental condition of a person. Interpretation.

(2) In order to render valid any contract of life insurance, the beneficiary under the contract, being other than the assured or the parent or *bona fide* assignee or nominee of the assured, or a person entitled under the will of the assured or by operation of law, must have had at the date of the contract a pecuniary interest in the duration of the life or other subject insured. Insurable interest necessary to support contract.

(3) No corporation shall insure, or pay on the death of a child under 10 years of age, any sum of money which added to any sum payable on the death of such child by any other insuring corporation exceeds the following amounts respectively, that is to say:— Sums insurable at ages less than ten.

If any such child dies under the age of 2 years	$ 25
If any such child dies under the age of 3 years	30
If any such child dies under the age of 4 years	35
If any such child dies under the age of 5 years	40
If any such child dies under the age of 6 years	83
If any such child dies under the age of 7 years	92
If any such child dies under the age of 8 years	110
If any such child dies under the age of 9 years	129
If any such child dies under the age of 10 years	147

Provided that nothing in this section contained shall apply to existing insurances on the lives of children under ten years of age or apply to insurance on the lives of children of any age where the person effecting the insurance has a pecuniary interest in the life of the assured. Proviso.

(4) Where the age of the assured is, at the date of such contract, less than ten years, and the insuring corporation has knowingly, or without sufficient inquiry entered into any contract prohibited by the next preceding sub-section, the Where insurance excessive.

premiums

premiums paid thereunder shall be recoverable from the corporation by the person or persons paying the same, together with legal interest thereon.

Sub-secs. 1 to 5 to appear on circular, etc.

(5) Every corporation undertaking or effecting insurances on the lives of children under ten years of age shall print sub-sections 1, 2, 3, 4 and 5 of this section in conspicuous type upon every circular soliciting, and upon every application for, and every instrument of contract of, such insurance; and any contravention of this sub-section shall be punishable as for an offence against section 27, all the provisions of which section shall equally apply to an offence committed against this sub-section.

Insurance effected by parents upon the lives of minor children generally.

(6) In respect of insurances heretofore or hereafter effected on the lives of persons under twenty-one years of age, where such insurance has been effected by a parent upon the life of his child, such insurance shall not be deemed to be invalid by reason only of the parent's want of pecuniary interest in the life of the child.

Minors of fifteen years and upwards competent to effect insurances on their own lives and give discharge.

(7) In respect of insurance heretofore or hereafter, by any person not of the full age of twenty-one years but of the age of fifteen years or upwards, effected upon his own life, for either his own benefit or for the benefit of his father, mother, brother, or sister, the assured shall not, by reason only of his minority be deemed incompetent to contract for such insurance or for the surrender of such insurance, or to give a valid discharge for any benefit accruing, or for money payable under the contract.

What accident includes.

36. In every contract of insurance against accident, or casualty, or disability, total or partial, the event insured against shall be deemed to include any bodily injury, either happening without the direct intent of the person injured, or happening as the indirect result of his intentional act, such act not amounting to voluntary or negligent exposure to unnecessary danger; and no term, condition, stipulation, warranty, or proviso of the contract varying the aforesaid obligation or liability of the corporation shall as against the assured have any force or validity except in so far as such variation is by the Court or judge, before whom a question relating thereto is tried, held to be under the special circumstances of the case just and reasonable.

Rev. Stat. c. 136 to apply.

37.—(1) The *Act to secure to Wives and Children the benefit of Life Insurance* shall apply to all lawful contracts of insurance made by friendly societies registered under this Act.

51 V. c. 22 ss. 1, 2 repealed; ss. 3, 4 amended.

(2) Sections 1 and 2 of the Act passed in the 51st year of Her Majesty's reign and chaptered 22 are hereby repealed; also sections 3 and 4 of the said Act are amended by striking out therein the words "of the said Act" wherever they occur and inserting in lieu thereof the words "of chapter 136 of the Revised Statutes."

Provided

Provided that nothing herein contained shall be construed to exclude from the benefit of chapter 136 of the Revised Statutes any contract heretofore made by a friendly society. Proviso.

38.—(1) This section shall apply only to corporations licensed by competent authority to undertake the contracts or any of the contracts enumerated in the subdivisions lettered (*a*) and (*d*) of the 12th sub-section of section 2 hereof and for purposes of the present section the word "insurance" shall mean any or all of the said enumerated contracts; and the word "policy" shall include any instrument serving the purpose of a policy; and the word "licensed" shall include corporations authorized by any document of authority issued under sections 38 and 39 of *The Insurance Act* of Canada. Application of section 38.

(2) In respect of any contract or contracts of insurance, or any agreement or agreements therefor, made after the commencement of this section with any assured, or intending assured, for any sum of, or sums amounting to, $5,000 or upwards, no corporation or agent shall make, as between persons of the same expectation of life, and whose lives are otherwise equally eligible, and who are insured on the same plan, any discrimination in the amount of premium charged, or in return of premium dividends, or in payment of bonuses, or in bonus additions, or otherwise. No discrimination to be made between the assured when of the same expectancy, etc

(3) No agent, sub-agent, broker, or other person acting for, or soliciting or procuring business for the corporation shall make any contract of insurance or agreement as to any contract of insurance other than that which is expressed in the policy issued, or to be issued, nor in the case of any contract of insurance for $5,000 or upwards shall any corporation, agent, sub-agent, broker, or other person, pay or allow, or offer to pay or allow, directly or indirectly, as inducement to insurance any rebate of premium, or any special favour or advantage whatever, other than is specified in the policy issued or to be issued. The policy to set out the actual contract and true consideration. And no rebate or differential rate to be given.

(4) No person, not being the chief agent or the chief managing officer of the corporation, shall, directly or indirectly, act as insurance agent, sub-agent, or broker, or shall in such capacity under any other designation, solicit or procure any insurance, or application or proposal therefor, for any corporation, without having first obtained an agent's certificate of registry from the Provincial Department of Insurance as hereinafter provided. Only persons holding certificates of agency to act as agents of life insurance companies.

(5) The Registry Officer shall on or before the first day of July, 1892, cause to be opened and kept a register which may be known as the Insurance Agents' Register, and therein he shall cause to be entered the name and address of every person whom he shall find legally entitled to registry, together with the date of his finding; also the term for which, in the absence of suspension, revocation or cancellation, the registry is to endure, which term shall begin Insurance Agents' Register. Particulars registered.

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as from the date of the said finding, and shall end not later than the 30th June then next ensuing; also if, during the term, the registry has been suspended, or revived or revoked, or cancelled, the date and authority for such suspension, revivor, revocation, or cancellation.

Material on which register may be granted.

(6) Every applicant, at his first application to be registered as an insurance agent, shall produce to the satisfaction of the Registry Officer, a recommendation from the manager of a Canadian, or from the chief agent of a foreign insurance corporation legally authorised to transact business in Ontario; but, having once been registered, the agent may transfer his services to another corporation without renewal of the certificate then unexpired.

Issue of agent's certificate of registry.

(7) To all persons registered as in sub-section 5, the Registry Officer shall issue under his hand and the seal of his office a certificate of registry, or of renewed registry as the case may be, setting forth that it has been made to appear to him that the person is entitled to registry as an insurance agent and that he is accordingly registered for the term stated on the certificate.

Fee.

(8) The fee payable in respect of each certificate shall be as hereinafter prescribed.

Public notice to be given of agents' registry.

(9) In the months of February and July of each year the Registry Officer shall cause to be published in the *Ontario Gazette* a list of the insurance agents standing registered at the date of the list; also upon a new agent being registered, or upon the registry of an agent being suspended, revived, revoked, or cancelled, he shall cause notice thereof to be published in the *Ontario Gazette*.

Section 26 to apply.

(10) The provisions of section 26 shall apply equally to evidence in any cause, matter, proceeding or trial under this section.

Conviction of offence to operate as revocation of registry; no revivor for three years.

(11) If any registered agent is convicted of an offence against this Act, it shall be the duty of the Registry Officer upon proof of such conviction, to revoke or, pending an appeal from the conviction, to suspend, and if the conviction is affirmed on appeal, then to revoke the registry of the person convicted: and the person so convicted shall not be entitled to apply for revivor of registry for the term of three years from the date of the conviction.

No insurance other than personal to be taken from unregistered agents.

(12) No corporation, nor any officer, agent or employee of a corporation, nor any person canvassing or soliciting for insurance shall accept from any unregistered agent or person any application or proposal for a policy of insurance other than a policy insuring such unregistered agent or person himself.

Penalty for breach of section.

(13) Any person who contravenes any of the provisions of this section shall be guilty of an offence and, upon summary conviction thereof before any police magistrate or justice of the

peace

peace having jurisdiction where the offence was committed, shall be liable as for an offence committed against section 27 of this Act, and all the provisions of the said 27th section shall equally apply in the case of an offence committed against this section. Provisions of section 27 to apply.

Provided, that when, by virtue of reciprocal legislation any other Legislature in Canada accepts as valid within its jurisdiction the insurance agents' licenses of Ontario, the Registry Officer shall have authority to indorse as valid for Ontario the like licenses of such Legislature. Proviso.

(14) This section shall take effect as to sub-sections 1, 2 and 3 on and from the passing thereof; and as to sub-sections 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 on and from the 1st day of January, 1893. Commencement of section

39.—(1) The liabilities of any member of a friendly society under his contract shall at any date be limited to the assessments, fees and dues of which at that date notice has been actually given by the society. Limitation of member's liability in friendly society.

(2) By paying or tendering payment of said assessments, fees and dues and giving notice thereupon of his withdrawal by a writing delivered, or by registered letter to the society, any member shall become thereby released from all further liability under his contract. Release from liability.

40.—(1) No forfeiture or suspension shall be incurred by any member of a friendly society, or person insured therein, by reason of any default in paying any contribution or assessment, except such as are payable at fixed dates, until after notice to the member stating the amount due by him, and apprising him that in case of default of payment by him within a reasonable time, not being less than thirty days, and at a place, to be specified in such notice, his interest or benefit will be forfeited or suspended, and until after default has been made by him in paying his contribution or assessment in accordance with such notice. Notice before forfeiture of benefit.

Provided that notice may in any case be effectually given if written or printed notice to the effect aforesaid is delivered, or by registered post prepaid is sent to the member or left at his last known place of abode by or in behalf of the society. Provisos.

Provided also that where under the rules or by-laws of the society a defaulting member is entitled to be reinstated on payment of arrears, after a stated number of days' default, this section shall not in any wise operate to prejudice the rights of such member.

(2) When the benefit of the contract is stipulated to be suspended or reduced or forfeited for any other reason than for non-payment of premium moneys, or money in the nature thereof, no such additional condition suspending, reducing or forfeiting the benefit shall be valid, unless it is held by the court or Conditions of forfeiture to be just and reasonable.

judge

judge before whom a question relating to the contract is tried, to be just and reasonable under all the circumstances of the case, such decision to be subject to review or appeal.

Provided that in any contract of which total abstinence from intoxicating liquors is made an express condition, such condition shall be deemed to be just and reasonable.

Maximum named in contract shall *prima facie* be payable.

41.—(1) Where the event has happened on the occurrence of which any benefit or insurance money is payable under the contract, but the amount payable is matter of dispute, the amount payable by the friendly society to the beneficiary shall *prima facie* be the maximum amount stated or indicated in the contract, and it shall lie on the society to prove the contrary.

Policies of corporations licensed under R.S.C. c. 124, s. 39.

(2) Where a corporation licensed or authorized under section 39 of *The Insurance Act* of Canada is registered under this Act, every policy and certificate issued and used in Ontario shall conform and be subject to the provisions of the said section; and upon any contravention of the said section the corporation shall be liable to have its registry under this Act suspended or cancelled.

Claims when payable.

42. Every claim under a contract within the meaning of section 2 hereof accruing to a member of a friendly society, or to his executors, administrators or assigns, or to his nominees, where by the rules of the society nomination is permitted, shall become legally payable on the expiration of sixty days after reasonably sufficient proof has been furnished to the society of the happening of the event on which such claim was, by said contract, to accrue, and any rules or by-laws of the society to the contrary shall be void; but the society may, in its discretion, pay the claim at any time before the expiration of the sixty days.

Service of papers.

43. Delivery of any written notice to any insurance corporation for any purpose of this Act, where the mode thereof is not otherwise expressly provided, may be by letter delivered at the chief office of the corporation in Ontario, or by registered post letter addressed to the corporation, its manager, or agent at such chief office, or by such written notice given in any other manner to an authorized agent of the corporation.

Registry suspended for insolvency.

44.—(1) Any insurance corporation shall be liable to have its registry suspended by the Registry Officer upon the failure of the corporation to pay an undisputed claim, on an insurance contract for the space of sixty days after being legally payable, or if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice supported by affidavit of the society's default delivered to the Registry Officer.

Where corporation resumes payment.

(2) Where the registry of a corporation has been suspended under the preceding subsection, but the corporation has within

sixty

sixty days after the notice therein provided has fully paid all undisputed claims and final judgments upon or against the corporation, the Registrar, upon proof of the facts, may revive the registry of the corporation and issue his certificate of such revivor.

Continued default for further 60 days.

(3) If within the sixty days mentioned in the next preceding subsection, the corporation has not fully paid all undisputed claims and final judgments, the Registry Officer, upon proof of the fact, shall cancel the registry of the corporation.

Where time of default limited by other enactment.

(4) If the enactment under or by virtue of which the corporation was incorporated, or by which the contracts of the corporation are regulated, prescribes payment of undisputed claims or final judgments within less than sixty days, this section shall not be deemed to extend the time so prescribed for payment, nor to extend the right of the corporation to revivor of registry hereunder beyond the time limited by the said enactment.

Registrar to have access to society's books, etc.

45. The Registrar, or any person authorized under his hand and seal, shall have at any time within reasonable business hours of every day, except Sundays and holidays, access to all such books, securities, and documents of a friendly society, as relate to the society's contracts ; and any officer or person in charge, possession, custody or control of such books, securities or papers, refusing or neglecting to afford such access, shall be guilty of an offence, punishable as for an offence against sub-section 5 of section 30, all the provisions of which sub-section shall equally apply in the case of an offence against this section; and, if registered, the society shall be liable to have its registry suspended ; and, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled.

Where maximum not paid, claimant entitled to inspect society's books.

46.—(1) If, when a claim accrues under a contract, a friendly society offers the claimant a less sum than the maximum named in the contract, and either offers no explanation, or alleges as a reason for not paying the maximum, that the society's general contract fund, or some other fund, is insufficient, the claimant shall, on written notice to the society, be entitled as of right, to inspect, personally, or by agent, all books and documents relating to the contract funds generally, or the fund alleged to be insufficient.

Claimant may have order from Registrar to inspect.

(2) If the society refuses or neglects to afford the claimant a reasonable opportunity of inspection as in the last sub-section provided, the claimant may file with the Registrar, an affidavit to the effect that he rightfully claims under a certain contract of the society, giving particulars sufficient to identify the contract, and that the society has refused or neglected to afford him opportunity of inspection as aforesaid, thereupon the Registrar may, under his hand and seal, give the claimant or his agent an order to inspect on a day named ; and neglect or

refusal

refusal thereafter to afford him an opportunity of inspection, shall be an offence, punishable as for an offence or offences committed against subsections 5 and 6 of section 30, all the provisions of which subsections shall equally apply in the case of an offence against this section.

Annual statement to the Registrar.

47.—(1) It shall be the duty of the presiding officer, the secretary and the treasurer, of every registered friendly society within the intent of section 8 or of section 10 to prepare annually on the first day of January, or within two months thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the society for the purposes of this Act, and having signed and verified under oath, to file the said statement in the office of the Registrar on or before the first day of March then next ensuing; and any society refusing or neglecting to file its statement or to make prompt and explicit answer to any inquiries at any time put by the Registrar touching the society's contracts or finances, shall be liable to suspension or cancellation of registry.

Refusal of information.

Who may administer oaths under the Act.

(2) The statement required by the preceding sub-section may be sworn to before any Justice of the Peace, Notary Public or Commissioner of the High Court for taking affidavits, and every such person is hereby authorized to administer any oath required under this Act, except where otherwise expressly provided.

Copy of summary statement to be filed.

(3) Together with the statement mentioned in sub-section 1 of this section the society shall file in the office of the Registrar a certified copy of the summary statement required by sub-section 1 of section 29.

Registrar's annual return.

48. From the statements filed in his office, as aforesaid, the Registrar shall cause to be prepared, printed and distributed, a report, which may be known as the Friendly Societies' Statements, for the year ending 31st December.—— (*naming the year*), and such report shall include a list of registered societies brought up to its actual date of publication

Certain events to cancel registry.

49.—(1) The happening of any of the following events shall *ipso facto*, and without notice from the Registry Officer cancel the registry of the corporation concerned :—

(*a*) The repeal or the expiry without renewal of its charter, instrument of association, or deed of settlement, or of its act or acts of incorporation ; or

(*b*) The revocation of its corporate powers ; or

(*c*) The cancellation, or the expiry without renewal of the license or other document of authority by which the corporation was authorized to exercise its corporate powers for the transaction of insurance ; or

(*d*) The passing of a resolution by the corporation for its winding up; or

(*e*) The making of an order by any court for the winding up of the corporation;

And, upon proof that any of the said events has happened, the Registry Officer, after notice to the corporation in cases where any dispute is likely to arise, shall cause the proper entry to be made upon the register.

Certain events to suspend registry.

(2) The happening of any of the following events shall *ipso facto* and without notice from the Registry Officer suspend the registry of the corporations concerned:—

(*a*) The suspension of any of the acts, instruments or documents mentioned in the first and third subdivisions of the next preceding sub-section;

Or (*b*) The suspension of the corporate powers of the corporation;

And, upon proof that any of the said events has happened, the Registry Officer, after notice to the corporation in cases where any dispute is likely to arise, shall cause the proper entry to be made upon the register.

Where event disputed.

(3) Where the happening of any of the events in the two next preceding sub-sections mentioned is disputed by written notice delivered to the Registry Officer at his office, the Registry Officer shall decide both as to the facts and as to the law, and render his decision in writing, subject however to appeal as in section 51 enacted.

Proviso.

Provided nevertheless that notice of the happening of such event if published by competent authority in the official *Gazette* of the province, dominion, country or state by which the corporation was incorporated, licensed or empowered to transact insurance, or in the *Ontario Gazette*, or an official notice otherwise given by the province, territory, dodominion, country or state, to the Registry Officer shall be sufficient authority to the Registry Officer for the entries on the register hereinbefore mentioned.

Notice to be filed on cessor of registry.

(4) When any corporation incorporated by, or by virtue of a statute of Ontario, ceases to be registered, the Registry Officer shall file a notice of the fact in the office of the Master.

Interpretation "Master."

(5) In this section and subsequent sections, "Master" shall mean the Master in Ordinary in the case of a corporation having its head office at Toronto or in the county of York; and in the case of a corporation having its head office in any other county, shall mean the Local Master, or the officer acting as Local Master in such county.

Decision of the Registry Officer to be in writing and to be delivered to the corporation.

50.—(1) Where the Registry Officer decides in any disputed case that a corporation is, or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives or cancels the registry of a corporation, the Registry Officer except as otherwise herein provided, shall render his decision in writing

and shall cause a copy of his decision certified under the seal of his office to be delivered by registered post, or otherwise to the corporation at its head office or chief agency in Ontario.

Certified copies of decision.

(2) A certified copy of any such decision of the Registry Officer may be had on application at his office, and upon payment of the fee hereinafter prescribed.

Affidavits and depositions to be filed.

(3) The affidavits and depositions received or taken by the Registry Officer in any disputed case shall be filed in his office.

Stenographic report of evidence.

(4) The evidence and proceedings in any matter before the Registry Officer may be reported by a stenographic writer who has taken an oath before the Registry Officer to faithfully report the same.

Appeals from decision of Registry Officer.

51.—(1) Upon the decision of the Registry Officer that the corporation is or is not entitled to registry, or upon any suspension, revivor, or cancellation of registry by him, an appeal may be had to a Divisional Court of the High Court the appellant having first given security for costs, in an amount to be determined by the Court or a Judge thereof or by General Rules as hereinafter provided for. Two clear days' previous notice of the application to fix the amount of such security shall be given to the Registry Officer at his office.

Notice to registry officer.

(2) At least ten clear days' notice of appeal, and of any subsequent proceeding on the appeal, shall be given to the Registry Officer at his office.

Entries on register.

(3) Upon the production of final judgment, on appeal, if any, admitting the corporation to registry, or disallowing registry granted, or reversing the suspension, revivor or cancellation of registry, the Registry Officer shall cause the proper entry to be made on the register together with a minute of the judgment authorizing such entry, and the Registry Officer shall thereupon grant a certificate of registry or cancel the registry granted according to the tenor of such judgment.

Rules as to appeals.

(4) The Supreme Court of Judicature may make rules or orders as to the form of appeals under this section and the trying thereof and otherwise relating thereto.

Application of sections 53 to 59.

52.—(1) Sections 53 to 59 inclusive shall apply only to insurance corporations incorporated by or by virtue of a statute of Ontario.

Case of two or more custodians of funds, etc.

(2) To such corporations the said sections shall equally apply where the accounts, account books, and insurance funds are in the charge, custody, possession or power of two or more persons; and in such case the words "receiver" and "interim receiver" shall include all of such persons unless and until other appointment or other disposition of the matter is made by the Court.

53.—(1)

53.—(1) Upon the happening of any of the events mentioned in sub-sections 1 and 2 of section 49, or upon notice given by the Registry Officer of the corporation's registry being suspended or cancelled, or where a corporation after the 31st December 1892, neglects to register or to renew its registry, the treasurer or other officer of the corporation in Ontario having in his charge, custody, possession or power the accounts, account books and insurance funds of the corporation shall *ipso facto* and during the pendency of an action or appeal if any, or the liquidator appointed under chapter 183 of the Revised Statutes of Ontario, 1887, if any, shall *ipso facto* and during the pendency of an action or appeal if any, become interim receiver for the corporation and an officer of the High Court subject to its control and direction, and he shall so remain unless and until other appointment or other disposition of the matter is made by the Court. Effect of certain events or of non-registry.

(2) The interim receiver shall forthwith deposit in the chartered bank prescribed by rules 163, 164 and 165 of the Consolidated Rules of Practice of the Supreme Court of Judicature, all moneys and securities for money in the charge, custody, possession or power of the corporation, or of himself as officer of the corporation, and shall from time to time so deposit all further moneys or securities that come into his possession or power as receiver unless and until otherwise ordered by the Court. Receiver to deposit forthwith in bank.

(3) On receiving from the interim receiver the moneys and securities for money of the corporation together with his written notice that by virtue of this Act, the insurance corporation (*naming it*), has become unregistered, and that he is interim receiver for the same, the bank shall give the interim receiver a receipt for the moneys and a separate receipt for the securities, specifying each security, each receipt being in duplicate; and the said receipts shall acknowledge the moneys and the securities respectively to have been deposited by the interim receiver (*naming him*) to the credit of the unregistered insurance corporation (*naming it*), and as subject to the order of the High Court. Bank to give receipts.

(4) The payment of interest on the moneys so deposited in the bank shall be governed by the same rules as in the case of money received by the bank to the credit of a cause. Interest on moneys deposited.

54.—(1) After depositing the moneys and securities in the bank as required by sub-section 2 of section 53 the interim receiver shall forthwith file an application in the office of the Master to the following effect:— Application to be filed by interim receiver in Master's office.

THE INSURANCE CORPORATIONS ACT, 1892. Form of application for confirmation or discharge.

In the High Court of Justice, Division.

In the matter of (*name of corporation*) an unregistered insurance corporation.

I, *C. D.*, by virtue of *The Insurance Corporations Act 1892*, (*or* of order made thereunder, *as the case may be*) interim receiver for the above-named corporation, do on the grounds set forth in the annexed affidavit apply to

the

the Court for confirmation of me in my office of receiver, *(or* for discharge of me from my office of receiver, *according as the interim receiver applies to be confirmed or discharged)*, and for an appointment of a day on which my application shall be considered.

Dated at this day of 18 .

C. D.

In what Division entitled.

(2) The foregoing application may be entitled in any Division of the High Court; but every subsequent proceeding shall be entitled in that Division wherein the application was entitled.

Bank receipt and affidavit to be filed with the application.

(3) Together with the foregoing application the interim receiver shall file in the office of the Master, one of each of the duplicate receipts given by the bank as aforesaid, and also an affidavit to the following effect, the necessary variations being made where by operation of this Act, two or more persons are made interim receiver, and join in the affidavit.

Form of affidavit.

THE INSURANCE CORPORATIONS ACT, 1892.

In the High Court of Justice, Division.

In the matter of [*name of the corporation*] an unregistered insurance corporation and the application of *C.D.*, interim receiver, bearing date the day of 18 .

I, *C.D.*, by virtue of *The Insurance Corporations Act, 1892*, interim receiver for the [*naming the corporation*] make oath and say :—

1. That the [*naming the corporation*] ceased to be registered under *The Insurance Corporations Act, 1892*, on the day of 18 . and that thereupon by virtue of the said Act I became interim receiver for the said corporation.

2. That, when the said corporation so ceased to be registered, I held therein the office of treasurer [*or as the case may be*] and that as such officer I had in my custody possession or power the funds [*or if a corporation having funds separate and distinct from the funds o the insurance branch then say* insurance funds] of the corporation.

3. That all the moneys and securities for money in my custody, possession or power when the said corporation ceased to be registered or subsequently and up to the time of making deposit in the bank as required by the said Act, are fully and truly set out in the schedule A hereto; also that the said deposit thereof is correctly vouched for by the bank's receipts hereto annexed.

4. That the other assets of the said corporation including moneys or securities for money that have come into my charge, custody, possession or power since the time of making the said deposit are fully and truly set out in the schedule B hereto.

5. That, as treasurer [*or other officer as the case may be*] of the said corporation, I gave securities for the faithful performance of my duties to the corporation as follows :—

[*Here specify the securities given; if bonds, give names and addresses of the sureties and the sums in which they are severally bound.*]

6. That the said securities are still in force and are now in the custody, possession or power of [*here give the name and address of the custodian or bailee.*]

7. That I have filed herewith an application in the Master's office, praying the Court to confirm me in my office of receiver [*or* to discharge me of my office as receiver, *as the case may be*] and that the following are the material facts in support of the said application, [*here state shortly the material facts.*]

Sworn at this day of 18 . } (*Signature.*
before me, etc.

(4) Such affidavit may be sworn to before any person duly authorized to administer oaths in any legal proceeding. Before whom the affidavit may be sworn

(5) Until the interim receiver is discharged of his office, or until new securities are taken from him by order of the Court, the securities given by him to the corporation and in force at the cesser of registry, shall continue in as full force and validity as if the corporation had continued to be registered. Securities previously given by receiver to remain in force.

(6) On the filing of the documents specified in this section the Master shall issue to the interim receiver his certificate of the filing, and shall issue his order to the person or persons having in his or their charge, custody, possession or power the securities mentioned in the next preceding sub-section, to deliver the same forthwith at the Master's office to be filed, and on any refusal, neglect or delay to obey the order, such person or persons shall be liable to be committed for contempt of court as provided in section 58. The Master to issue his certificate of the filing and call in the securities. Non-delivery punishable as a contempt.

(7) If no such securities as mentioned in sub-section 5, or if the existing securities are not in the opinion of the Master, satisfactory or sufficient, the Master may order the interim receiver within a time limited to give securities or to give other or additional securities and on the interim receiver's default of compliance, the Master may remove him and appoint another interim receiver. Where no securities exist, or the securities are not satisfactory or sufficient.

55.—(1) The Master in and by his certificate of filing or by *ex parte* order or otherwise, may appoint a place and a time, such time being not less than twenty-one days from the date of the certificate or order, at which time he will hear the application of the interim receiver and will confirm the interim receiver in his office, or appoint another receiver, or make such other disposition of the matter as shall appear proper. Place and time to be appointed for hearing application.

(2) Public notice shall be given by the interim receiver of his application and of the place and time appointed by the Master for the hearing of the same; such notice shall be published in two issues of the *Ontario Gazette*, and once a week for two weeks in a newspaper published in the county where the head office or chief office of the unregistered corporation is situated, and a copy of the notice shall be delivered to the Registry Officer at his office, at least ten days before the day appointed for the hearing of the application, and the notice shall be to the following effect:— Public notice of application and of the hearing.

Form of notice.

INSURANCE CORPORATIONS ACT, 1892.

In the High Court of Justice, Division.

In the matter of the [*naming the corporation*] an unregistered insurance corporation.

TAKE NOTICE, that *C.D.*, interim receiver of the said corporation has filed in the Master's office at ——— an application to be confirmed in his office [*or* to be discharged of his office] as receiver, and that the Master has appointed [*place, day and hour*] for the hearing of the said application, at which place and time the Master will make such disposition of the matter as shall appear proper.

Dated at the
day of 18 . } *C D*

Disposal of application by Master.

56.—(1) At the place and time appointed the Master may confirm the interim receiver in or discharge him of his office, or may appoint another receiver, or, generally, may make then or afterwards, such disposition of the matter as will best expedite the beneficial realisation of the assets, the discharge of the liabilities, and the distribution of the surplus among the persons entitled.

Powers of the Master.

(2) The Master shall decide upon the security or securities to be given by the receiver, upon the mode and amount of his compensation, shall fix the times for the submission and passing of his accounts, shall settle advertisements deemed to be necessary, and schedules of creditors and contributories, direct the realisation of assets, the discharge of liabilities and the distribution of the surplus, and shall make such orders and issue such directions as shall best effectuate the provisions of this Act; and generally shall have all the powers which might be exercised on any reference to him under a judgment or order of the High Court.

Guarantee company's bond as security.

(3) The Master may accept as a receiver's security the bond of any guarantee company duly registered under this Act.

Trusts company as receiver.

(4) The Master may appoint as receiver any trusts company approved by the Lieutenant-Governor in council and accepted by the High Court as a trusts company.

Appeal from Master's decision.

(5) Orders and certificates made by the Master under this Act, shall be appealable to a Judge of the High Court in like manner as other orders and certificates of the Master.

Consolidated Rules to apply.

(6) So far as not inconsistent with the provisions of this Act, the rules of the Supreme Court of Judicature shall apply to all proceedings under this Act.

Books, etc., of receiver to be accessible to Registry Officer.

(7) The books, financial statements, schedules, accounts and vouchers of every receiver under this Act shall be accessible to the Registry Officer, or to any person authorized under his hand and seal as is, in the case of friendly societies, enacted by section 45; and if any receiver refuses or neglects to afford such access, or if he makes a wilfully false statement or untrue

entry

entry, he shall be guilty of an offence as against sub-section 5 of section 30, all the provisions of which sub-section shall equally apply in the case of an offence committed against this sub-section. Penalty for refusing access.

(8) Unless and until otherwise ordered by the court, the receiver shall forthwith deposit in the bank prescribed by sub-section 2 of section 53, to the credit of the unregistered insurance corporation all moneys by him from time to time received, and ten days before the day appointed for the passing of any account, he shall deliver a certified copy of the account to the Registry Officer at his office and obtain his receipt therefor; and within five days after the passing of any account, the receiver shall in like manner deliver to the Registry Officer a certified copy of the account as passed. Receiver deposit moneys in bank.

(9) In case of default by any receiver in leaving or passing any account, or in making any deposit or payment, or of laches or negligence in performing any other duty devolving upon the receiver by virtue of his office under this Act, or of any order or direction of the court, the Master either without motion, or on motion by the Registry Officer or any person interested, may deal with the receiver as provided in Consolidated Rule 123, or may remove the receiver and appoint another, or may make such other order as shall best effectuate the purposes of this Act. Default of receiver in leaving or passing accounts, etc.

(10) Until the receiver is discharged of his office, the Registry Officer shall be a competent party for taking or commencing or prosecuting any proceeding relative to a receiver or his sureties. Registry Officer a party.

57.—(1) If the person or persons made interim receiver by this Act or by order hereunder, fail to comply with the provisions of section 53 within eight days after becoming interim receiver, then the Registry Officer or any policy holder, or certificate holder, or any claimant or creditor may on motion, supported by an affidavit declaring the facts, move the Master to issue his certificate of default, and may by the same or by subsequent motion, move the Master to appoint an interim receiver, and to appoint a place and time for confirming such interim receiver in his office, or for disposing of the matter otherwise, and upon such motion or motions the Master may issue his certificate of default and may appoint an interim receiver and may make such further order or orders as seem necessary or expedient for securing the property of the corporation. On default of interim receiver master may appoint another.

(2) An interim receiver appointed by the Master shall under the direction of the Master, take immediate possession of the moneys and securities for money of the corporation, and shall thereafter perform all the duties required of an interim receiver by this Act, and on default of performance shall be liable to the penalties imposed by this Act. Duties of new interim receiver.

58.—(1)

Proceedings on default of compliance.

58.—(1) On any non-compliance by an interim receiver or by any officer, agent or employee of the corporation with any provision of sections 53 and 54 or with any order made, or summons or direction issued by the Master under this Act, then upon motion as enacted in subsection 1 of section 57, any of the persons therein mentioned may move the Master to issue his certificate of the default, and his certificate shall be conclusive evidence of such default for purposes of any proceedings taken by any of such persons, under this section or under section 59.

Motion to commit

(2) A motion to commit such defaulter may on two clear days' notice be made before a Judge of the High Court in chambers

59.—(1) If any person or persons made interim receiver by this Act or by order hereunder, receive from the Registry Officer notice under his hand and the seal of his office directing such person or persons to comply with the provisions of section 53 or of section 54, and if the person or persons so notified shall not within ten days after the notice delivered comply accordingly, such person or persons shall each and every of them be guilty of an offence, and upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, be liable to a penalty not exceeding $500 and costs and not less than $100 and costs, and in default of payment the offender shall be imprisoned with or without hard labour for a term not exceeding three months and not less than one month; and, on a second or any subsequent conviction, he shall be imprisoned with hard labour for a term not exceeding twelve months and not less than three months.

(2) All the provisions contained in sub-sections 3, 4, 5 and 6 of section 27 shall apply equally in the case of an offence committed under this section.

(3) The provisions contained in section 26 shall apply equally to evidence in any cause, matter, proceeding, or trial, arising under or out of this section.

Offence by corporation is offence by officers thereof; continued default constitutes new offence.

60. Every offence committed by a corporation, or by the insurance branch of a corporation against this Act, shall be deemed to have been also committed by every officer of the same bound by virtue of his office or otherwise to fulfil any duty whereof such offence is a breach, or if there be no such officer, then by every member of the commitee of management of the same, unless such member be proved to have been ignorant of his duty, or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence constitutes, if continued, a new offence in every week during which the default continues.

61.

61. The taxed costs of any civil proceeding duly taken by the Registry Officer or by a receiver or interim receiver under this Act, shall be paid out of the funds of the insurance corporation; the costs of all other proceedings shall be in the discretion of the Court. Costs of proceedings under the Act.

62. The fees by this section prescribed shall be payable to the Provincial Treasurer of Ontario. Fees payable to Provincial Treasurer.

In the case of an application or other document or instrument to be filed, examined, or deposited, the fees shall be paid before the application or other document or instrument is considered; in the case of registry or certificates of registry the fee shall be payable before the corporation is registered. Time of payment.

Division I.—Corporations deriving their powers from the Province of Ontario. Corporations empowered by Ontario.

1. Inasmuch as insurance corporations licensed by the Province are under the provisions of *The Ontario Insurance Act* required to pay annually to the Province an assessment and license fees, the said corporations shall without application and without additional charge be entitled to be registered under this Act. Ontario licenses.

2. Life Insurance Agent's Certificate of Agency, original or renewed. s. 38 ..... $ 2 00 Life Insurance Agent's Certificate.

3. In the case of Ontario corporations within the meaning of section 4 (2) or section 8, the fees shall be as follows :— Certain Ontario corporations.

A.—Corporations or incorporated Branches having in Ontario 500 members or less :

(*a*) Application for initial registry. s. 12 (1). $2 00

(*b*) Extension of time for making application. s. 12 (2) 2 00

(*c*) Certificate of Registry, original or renewed 5 00

(*d*) Interim Certificate, or extension of certificate. s. 21..... $2 00

(*e*) Revivor of Registry after suspension.... 4 00

(*f*) Change of name. s. 24..... 4 00

B.—Corporations or incorporated Branches having in Ontario over 500 and not more than 1,500 members:

(*a*) Application for initial registry. s. 12 (1). $3 00

(*b*) Extension of time for making application. s. 12 (2) 3 00

(*c*) Certificate of Registry, original or renewed 10 00

(*d*) Interim Certificate, or extension of certificate. s. 21 ..... $3 00

(*e*) Revivor of Registry after suspension 6 00

(*f*) Change of name. s. 24 ..... 6 00

C.—Corporations or incorporated Branches having in Ontario over 1,500 and not more than 2,500 members:

(*a*) Application for initial registry. s. 12 (1). $4 00

(*b*) Extension of time for making application. s. 12 (2) 4 00

(*c*) Certificate of Registry, original or renewed 15 00

(*d*) Interim Certificate, or extension of certificate. s. 21 ..... 4 00

(*e*) Revivor of Registry after suspension 8 00

(*f*) Change of name. s. 24 ..... 8 00

D.—Corporations or incorporated Branches having in Ontario more than 2,500 members:

(*a*) Application for initial registry. s. 12 (1). 5 00

(*b*) Extension of time for making application. s. 12 (2) 5 00

(*c*) Certificate of Registry, original or renewed 25 00

(*d*) Interim Certificate or extension of certificate. s. 21 ..... 5 00

(*e*) Revivor of Registry after suspension 10 00

(*f*) Change of name 10 00

Corporations empowered by Acts of Canada.

Division II.—Corporations deriving their powers from an Act of Canada or from a document of authorization issued under *The Insurance Act* of Canada.

Licensees.

R. S. C. c. 124.

1. In the case of corporations deriving their powers from a license or document of authorization issued under *The Insurance Act* of Canada, except corporations included in section 38 thereof, the fees shall be as follows:

(*a*) Application for initial registry. s. 12 ....$ 5 00

(*b*) Extension of time for making applications. s. 12 (2) 2 00

(*c*) Filing power of attorney in case of extra-Provincial corporations. s. 14 ..... 5 00

(*d*) Change of attorney. s. 16 ..... 5 00

(*e*)

(*e*) Certificate of registry, original or renewed $100 00

(*f*) Interim Certificate of Registry, or extension of certificate. s. 21 ..... 5 00

(*g*) Revivor of registry after suspension. ss. 6 (3), 44 ..... 25 00

(*h*) Life Insurance Agent's Certificate of Agency, original or renewed 2 00

Corporations empowered under R. S. C. c. 124, s. 38.

2. In the case of corporations empowered under section 38 of *The Insurance Act* of Canada, the fees shall be as follows:

(*a*) Application for initial registry. s. 12....$ 5 00

(*b*) Extension of time for making application. s. 12 (2) 2 00

(*c*) Filing power of attorney in case of extra-Provincial corporations. s. 14 ..... 5 00

(*d*) Change of attorney. s. 16 ..... 5 00

(*e*) Certificate of registry, original or renewed. 75 00

(*f*) Interim certificate of registry, or extension of certificate. s. 21 ..... 5 00

(*g*) Revivor of registry after suspension. ss. 6 (3) 44..... 20 00

(*h*) Life Insurance Agent's Certificate of Agency, original or renewed..... 2 00

Corporations empowered by sundry other Acts of Canada.

3. In the case of the corporations mentioned in sub-sections 1, 2, and 4 of section 9 of this Act, the fees shall be as in sub-division 3 *D* of *Division I* of this section.

Trades Union Insurance Societies.

4. In the case of the corporations mentioned in sub-section 3 of section 9 of this Act, the fees shall be as follows:

(*a*) Application for initial registry.....$ 2 00

(*b*) Extension of time for making application. s. 12 (2) 1 00

(*c*) Filing power of attorney in extra-Provincial corporations. s. 14 ..... 2 00

(*d*) Change of attorney. s. 16..... 2 00

(*e*) Certificate of registry, original or renewed 5 00

(*f*) Interim certificate of registry, or extension of certificate. s. 21 ..... 2 00

(*g*) Revivor of registry after suspension. s. 44 3 00

Division

Foreign friendly societies.

Division III.—Friendly societies not included in either of the foregoing Divisions.

In the case of the friendly societies mentioned in section 10, the fees shall be as in sub-division 3 *D* of *Division I* of this section.

Miscellaneous.

Division IV—Miscellaneous.

Office copy of decision of Registry Officer.....	$ 1 00
Certified copy of entry on register.....	50
Copies of or extracts from documents filed with the Registry officer, per folio of 100 words....	10
Examination of mortgages tendered as deposit under *The Ontario Insurance Act*, for each mortgage	5 00

Rev. Stat. c. 167, s. 72, amended.

63.—(1) Section 72 of *The Ontario Insurance Act* is amended by adding thereto the following sub-section:

(2) Where a policy on the premium note plan is made to two or more persons, the person whose name stands first on the register of policy-holders, and no other, shall be entitled to vote.

Rev. Stat. c. 167, s. 5 (1) amended.

Also sub-section 1 of section 5 of the said Act is amended by striking out the word "nine" in the third line, and inserting the word "fifteen" in lieu thereof.

Rev. Stat. c. 167, s. 130 (2), amended.

Also sub-section 2 of section 130 of the said Act is amended by striking out all the words after "trust money" and inserting in lieu thereof the following words: "or shall remain deposited at interest in the name of the company in a chartered bank of Ontario, or in any building society or loan company in Ontario by an Act of Ontario or of the Dominion of Canada, duly authorized to receive deposits."

Rev. Stat. c. 172, s. 1, amended.

Also section 1 of *The Act respecting Benevolent, Provident and other Societies*, as amended by section 9 of an Act passed in the fifty-third year of Her Majesty's reign, and chaptered 39, is hereby amended by adding thereto the following sub-sections:

(2) If a body incorporated under this Act does not go into actual operation within two years after incorporation, or, for two consecutive years, does not use its corporate powers for the purpose or for the chief purpose set forth in the declaration required by section 5 of this Act, such non-user shall *ipso facto* work a forfeiture of the corporate powers, except so far as necessary for winding up the corporation;

and,

and, in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation.

(3) For the purposes of this Act, affidavits and depositions may be taken and made before any justice of the peace, notary public or commissioner in the High Court for taking affidavits.

Also section 17 of the said *Act respecting Benevolent, Provident and other Societies*, is hereby repealed so far as relates to any friendly society that is within the intent of this Act. Rev. Stat. c. 172, s. 17 repealed.

(2) All Acts or parts of Acts inconsistent with this Act are hereby repealed. Inconsistent provisions repealed.

CHAPTER 40.

An Act to amend the Act respecting Building Societies.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 66 of *The Act respecting Building Societies* is amended by striking out all the words after the words "members of the society" in the seventh line of said section and in lieu thereof inserting the following words:—"But only such "borrowers from the society as are subscribers to the stock, or "members of the society, shall be subject to the rules thereof "unless the mortgage or other security given by the borrower "expressly provides that the rules of the society shall form "part of the contract or obligation entered into by the "borrower." Rev Stat. c. 169, s. 66, amended.

Provided, however, that unless in all such cases the words "subject to the rules of the society or company (as the case may be)" be printed in conspicuous type on the back of and as part of the endorsement of such mortgage or other security, the borrower shall not be bound by any such rules. Proviso.

Provided further that this section shall not take effect until from and after the first day of May, 1893. Proviso.

2.

52 V. c. 34, s. 4, amended.

2. Section 4 of the Act passed in the 52nd year of Her Majesty's reign intituled *An Act to amend the Revised Statute respecting Building Societies*, is amended by striking out the word "quarterly" in the third line and substituting the word "yearly" and by striking out the words "days of January, April, July and October" in the fourth line and substituting the words "day of January."

CHAPTER 41.

An Act respecting Aid to certain Railways.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Port Arthur, Duluth and Western Railway granted aid out of Con. Rev. Fund.

1. (1) There shall be granted out of the Consolidated Revenue Fund to the Port Arthur, Duluth, and Western Railway Company:—

1. A cash subsidy of $3,000 per mile and not exceeding in the whole the sum of $21,000 for the construction of seven miles of said Railway from a point at or near the east end of Gunflint Lake to a point at or near Magnetic Lake, to complete the building of said railway, and

2. A cash subsidy of $2,000 per mile, and not exceeding in the whole $7,000 for the construction of three and one-half miles of that portion of said railway, known as the Kakabeka branch extending from a point at or near the junction of the said railway with the Kaministiquia River to a point at or near Kakabeka Falls.

(2) The Lieutenant-Governor in Council may require the Port Arthur, Duluth and Western Railway Company to enter into an agreement or agreements with the Ontario and Rainy River Railway Company containing such terms and details as the Lieutenant-Governor in Council may approve of in order to secure running powers or rights of user to the said the Ontario and Rainy River Railway over the Kakabeka branch and the said seven miles extension of the said Port Arthur,

Duluth

Duluth and Western Railway Company aided by this Act; or in the discretion of the Lieutenant-Governor in Council for the haulage thereover of the cars and traffic of the said Ontario and Rainy River Railway Company upon such terms as in default of agreement between the respective companies may be settled upon by the Lieutenant-Governor in Council.

Aid to Vaudreuil and Ottawa R. W. Co.

2. There shall be granted out of the Consolidated Revenue Fund to the Vaudreuil and Ottawa Railway Company a cash subsidy of $2,000 per mile and not exceeding in the whole the sum of $100,000 to aid in the construction of fifty miles of the said railway, now constructed to the boundary line between the township of East Hawkesbury in this Province and the Province of Quebec and being a continuation thereof westward from the said boundary line through the said township of East Hawkesbury and the townships of West Hawkesbury, Caledonia, Alfred, Plantagenet and Clarence to the western limit of the township of Clarence and to pass through or near the villages of Vankleek Hill, Alfred and Plantagenet in the county of Prescott.

Preamble.

3. Whereas by the Act passed in the 52nd year of Her Majesty's reign, chapter 35, it was provided that aid should be granted out of the Consolidated Revenue Fund of the Province to the Parry Sound Colonization Railway Company from the town of Parry Sound to Burk's Falls on the line of the Northern Pacific Junction Railway, a distance of about forty-five miles, at the rate of $3,000 per mile; and whereas by section 4 of the Act passed in the 53rd year of Her Majesty's reign, chapter 46, it was provided that if it should appear to the satisfaction of the Lieutenant-Governor in Council that the proposed line of the Parry Sound Colonization Railway Company to Burk's Falls was too expensive to be practicable owing to engineering difficulties, the Lieutenant-Governor in Council might consent to the said line being altered to some point on the line of the Northern Pacific Junction Railway as near as may be to Burk's Falls and might direct that the bonus granted to the said railway company by the said Act should be paid to the said company for the portion of its railway constructed in accordance with such consent; and whereas it appears that engineering difficulties exist which render it necessary to deviate from the said road to Burk's Falls; and whereas the nearest point on the Northern Pacific Junction Railway to Burk's Falls at which it is possible to commence the construction of the said railway is Scotia Station, a point distant about twelve miles south of Burk's Falls on the said Northern Pacific Junction Railway; and whereas, in order to complete the construction of the said line from Scotia to Parry Sound it will be necessary to further construct about four and one-half miles of said railway in addition to the 45 miles for

Aid to Parry Sound Colonization Railway.

the

the construction of which aid was granted as aforesaid:—There shall be granted out of the Consolidated Revenue Fund of the Province to the Parry Sound Colonization Railway Company for the construction of four and one-half miles of said railway westward from Scotia Station on the line of the Northern Pacific Junction Railway, a cash subsidy of $3,000 per mile and not exceeding in the whole the sum of $13,500.

Aid to Irondale, Bancroft and Ottawa Railway.

4. There shall be granted out of the Consolidated Revenue Fund to the Irondale, Bancroft and Ottawa Railway Company a cash subsidy of $3,000 per mile, and not exceeding in the whole $30,000 for the construction of ten miles of the said Railway eastward from a point at or near the village of Irondale, in the township of Snowden and provisional county of Haliburton.

52 V. c. 35 ss. 2 and 3 to apply.

5. All the provisions of section 2, of the Act passed in the 52nd year of Her Majesty's reign, chaptered 35, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made.

Land set apart to form Railway subsidy fund.

6. For the purpose of forming a subsidy fund, there is hereby set apart, so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Port Arthur, Duluth, and Western Railway and those portions of the Parry Sound Colonization Railway and the Irondale, Bancroft and Ottawa Railway to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to 10, inclusive, of the said Act passed in the 52nd year of Her Majesty's reign, chaptered 35.

CHAPTER

CHAPTER 42.

An Act to consolidate the Acts respecting Municipal Institutions.

[*Assented to 14th April, 1892.*

PRELIMINARY ss. 1, 2.

PART I.—MUNICIPAL ORGANIZATION.

Title I. *Incorporation*, ss. 3-8.

II. *New Corporations.*

Division I. Villages, ss. 9-17.
" II. Towns and Cities, ss. 18-26.
" III. Townships, ss. 27-34.
" IV. Counties, ss. 35-37.
" V. Provisional County Corporations, ss. 38-52.
" VI. Matters Consequent upon the formation of New Corporations, ss. 53-63.

PART II.—MUNICIPAL COUNCILS, HOW COMPOSED.

Title I. *The Members.*

Division I. In Counties, ss. 64-67.
" II. In Cities, s. 68.
" III. In Towns, s. 69.
" IV. In Incorporated Villages, s. 70.
" V. In Townships, s. 71.
" VI. In Provisional Corporations, s. 72.

Title II. *Qualification, Disqualification and Exemptions.*

Division I. Qualification, ss. 73-76.
" II. Disqualification, s. 77.
" III. Exemptions, s. 78.

PART III.—MUNICIPAL ELECTIONS.

Title I. *Electors.*

Division I. Qualification, ss. 79-87.

Title II. *Elections.*

Division I. Time and place of holding, ss. 88-96.
" II. Returning Officers and Deputy Returning Officers, ss. 97-101.
" III. Oaths, ss. 102-106.
" IV. Proceedings Preliminary to the Poll, ss. 107-141.
" V. The Poll, ss. 142-161.
" VI. Miscellaneous Provisions, ss. 162-176.
" VII. Vacancies in Council, ss. 177-186.
" VIII. Controverted Elections, ss. 187-208.
" IX. Prevention of Corrupt practices, ss. 209-222.

PART IV.—MEETINGS OF MUNICIPAL COUNCILS.

Division I. When and where held, ss. 223-232.
" II. Conduct of business, ss. 233-242.

PART V.—OFFICERS OF MUNICIPAL CORPORATIONS.

Division I. The Head, ss. 243-244.
" II. The Clerk, ss. 245-248.
" III. The Treasurer, ss. 249-253.
" IV. Assessors and Collectors, ss. 254-257.
" V. Auditors and Audit, ss. 258-268.
" VI. Valuators, s. 269.
" VII. Duties of Officers as to Oaths, etc., ss. 270-277.
" VIII. Salaries, Tenure of Office, and Security, ss. 278-281.

PART VI.—GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

Title I. *General Jurisdiction of Councils.*

Division I. Nature and extent, ss. 282-287.

Title II. *Respecting By-Laws.*

Division I. Authentication of, ss. 288-290.
" II. Objections by Ratepayers, ss. 291, 292.
" III. Voting on by Electors, ss. 293-328.
" IV. Confirmation of, ss. 329-331.
" V. Quashing, ss. 332-339.
" VI. By-laws creating Debts, ss. 340-356.
" VII. By-laws respecting Yearly Rates, ss. 357-368.
" VIII. Anticipatory appropriations, ss. 369-371.

Title III. *Respecting Finance.*

Division I. Accounts and Investments, ss. 372-382.
" II. Commission of Inquiry into Finances, ss. 383, 384.

Title IV. *Arbitrations.*

Division I. Appointment of Arbitrators, ss. 385-396.
" II. Procedure, ss. 397-404.

Title V. *Debentures and other Instruments*, ss. 405-414.

Title VI. *Administration of Justice and Judicial Proceedings.*

Division I. Justices of the Peace, ss. 415-419.
" II. Penalties, ss. 420-423*a*.
" III. Witnesses and Jurors, ss. 424-426.
" IV. Convictions under By-laws. s. 427.
" V. Execution against Municipal Corporations, ss. 428, 429.

Division VI. Tender of Amends, s. 430.
" VII. Contracts with members of Council void, s. 431.
" VIII. Police Office and Police Magistrate, ss. 432, 433.
" IX. Board of Commissioners of Police and Police Force in Cities and Towns, ss. 434-451.
" X. Court-houses, Gaols, etc., 452-476.
" XI. Investigation as to Municipal Officers and Governments, s. 477.
" XII. When Mayor may call out *posse comitatus*, s. 478.

PART

PART VII.—POWERS OF MUNICIPAL COUNCILS.

Title I. *Powers generally.*
Division I. Counties, Townships, Cities, Towns, and Incorporated Villages, ss. 479-488*e*.
" II. Townships, Cities, Towns, and Incorporated Villages, ss. 489-492.
" III. Townships, Cities and Towns, s. 493.
" IV. Counties and Cities, s. 494.
" V. Counties, Cities, Sep. Towns, s. 495.
" VI. Cities, Towns, and Incorporated Villages, ss. 496-503.
" VII. Cities and Towns, ss. 504-508.
" VIII. Townships, Towns and Villages, s. 509.
" IX. Towns and Incorporated Villages, s. 510.
" IX*a*. Towns, s. 510*a*.
" X. Counties, ss. 511-520.
" X*a*. Cities, ss. 520*a*-520*b*.
" XI. Townships, ss. 521-523.

Title II. *Powers as to Highways and Bridges.*
Division I. General Provisions, ss. 524-549.
" II. Counties, Townships, Cities, Towns, and Incorporated Villages, ss. 550-554*a*.
" III. Townships, Cities, Towns, and Incorporated Villages, ss. 555-564.
" IV. Counties and Townships, s. 565.
" V. Counties, s. 566.
" VI. Townships, ss. 567, 568.

Title III. *Powers as to Drainage and other Improvements paid for by Local Rates.*
Division I. Townships, Cities, Towns, and Villages, ss. 568*a*-629.
" II. Townships and Villages, ss. 630-630*a*.
" III. Counties, ss. 631-633.

Title IV. *Powers as to Railways,* ss. 634-637.

Title V. *Powers of Municipal Councils as to aiding Iron Smelting Works in certain Districts.* s. 637*a*.

PART VIII.—POLICE VILLAGES.

Division I. Formation of, ss. 638, 639.
" II. Trustees, and Election thereof, ss. 640-660.
" III. Duties of Police Trustees, ss. 661-670.

CONFIRMING AND SAVING CLAUSES, ss. 671-674.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as "*The Consolidated Municipal Act, 1892.*" Short title.

2. Where the words following occur in this Act, or in the schedule thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: Interpretation of words.

"Municipality." 1. "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act;

"Local Municipality." 2. "Local Municipality," shall mean a city, town, township, or incorporated village;

"Council." 3. "Council," shall mean the municipal council or provisional municipal council, as the case may be;

"County." 4. "County," shall mean county, union of counties, or united counties, or provisional county, as the case may be;

"Township." 5. "Township," shall mean township, union of townships or united townships, as the case may be;

"County Town." 6. "County Town," shall mean the city, town, or village in which the assizes for the county are held;

"Land." "Real estate." "Real property." 7. "Land," "Lands," "Real Estate," "Real Property," shall, respectively, include lands, tenements and hereditaments, and except in actions now pending shall include any interest or estate therein, or right or easement affecting the same;

"Highway." "Road." "Bridge." 8. "Highway," "Road," or "Bridge," shall mean a public highway, road, or bridge, respectively;

"Electors." 9. "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, in the municipality, ward, polling subdivision, or police village, as the case may be;

"Reeve." 10. "Reeve," shall include the deputy-reeve or deputy-reeves, where there is a deputy-reeve for the municipality, except in so far as respects the office of a Justice of the Peace;

"Next day." 11. The words "next day" shall not apply to, or include Sunday or statutory holidays. R. S. O. c. 184, s. 2.

PART I.

MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.
TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—*Secs.* 3-8.

Existing municipal corporations continued. **3.** The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. R. S. O. c. 184, s. 3.

4. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, as continued under and subject to the provisions of this Act. R. S. O. c. 184, s. 4. Heads, officers, by-laws, contracts, etc., continued.

5. The name of every body corporate (not being a provisional corporation, continued, or erected under this Act, shall, be "*The Corporation of the County, City, Town, Village Township, or United Counties, or United Townships*, (as the case may be), *of* " (naming the same). R. S. O. c. 184, s. 5. Names of municipal corporations.

6. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of "*The Provisional Corporation of the County of* " (naming it). R. S. O. c. 184, s. 6. Names of provisional corporations.

7. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships, if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. R. S. O. c. 184, s. 7. Inhabitants of counties, townships, etc., and of cities, towns, etc., to be a body corporate.

8. The powers of every body corporate under this Act shall be exercised by the council thereof. R. S. O. c. 184, s. 8. Corporate powers to be exercised by council.

TITLE II.—NEW CORPORATIONS.

DIV. I.—VILLAGES.
DIV. II.—TOWNS AND CITIES.
DIV. III.—TOWNSHIPS.
DIV. IV.—COUNTIES.
DIV. V.—PROVISIONAL COUNTY CORPORATIONS.
DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

DIVISION I.—VILLAGES.

When a Village may be incorporated. Sec. 9.
Restrictions as to area of Towns and Villages. Sec. 10.
Arrangements with respect to assets and debts of Townships. Sec. 11.

Case

Case of Village partly in two Counties provided for. Sec. 12.
Arrangements as to debts when Village transferred from one County to another. Sec. 13.
Additions to area. Sec. 14.
Reductions of area. Sec. 15.
Annexation of Incorporated Village to adjoining Municipality. Sec. 16.
Setting apart Unincorporated Village. Sec. 17 (1).
Powers of Township in relation thereto. Sec. 17 (2-4).

When population 750, county council may incorporate as a village, and name the place and returning officer for first election.

9.—(1) When the census returns of an unincorporated village with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than 100 resident freeholders and householders of the village and neighbourhood, of the age of twenty-one years and over, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same. R. S. O. c. 184, s. 9; 54 V. c. 42, s. 1.

Incorporation of village within one mile of city of 100,000 population.

(2) In case the territory sought to be incorporated, or any part thereof lies within one mile of the limits of a city having a population of 100,000 and upwards, the petition shall be signed by not less than two-thirds of the freeholders and householders, of the age of twenty-one years and over, whose names appear on the last revised assessment roll, and who have been resident within the territory sought to be incorporated for at least four months immediately prior to the signing of said petition, within the district sought to be incorporated, and of whom not fewer than one-half shall be freeholders.

(3) If the district sought to be incorporated, or any part thereof has been laid out in lots on a registered plan, each petitioner shall state the number of the lot on said plan owned or occupied by him, and shall further set out whether he is a freeholder or a householder.

(4) No by-law shall be passed under this section unless the petition therefor shall have been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice shall have, within two months previous to the meeting of the council at which the same shall be considered, been published at least once a week for two successive weeks in some news-

paper

paper at or nearest to the locality sought to be incorporated, and such notice shall set forth a description of the area intended to be embraced in the village. 54 V. c. 42, s. 2.

Area of town or village limited.

10.—(1) No town or village incorporated after the passing of this Act, the population of which does not exceed 1000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Regulations as to enlargement of area.

(2) No town or village already or hereafter incorporated, and containing a population exceeding 1000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1000 souls, subsequent to the first 1000.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(3) In the case of towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1000 souls, and 200 acres for every subsequent additional 1000, then in such cases the said towns or villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

How population and area may be reckoned.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of a town or village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of such town or village. R. S. O. c. 184, s. 10.

Disposition of property and payment of debts when incorporated village is separated from township.

11. In cases where an incorporated village is separated from the township or townships in which it is situate, the provisions of this Act for the disposition of the property, and payment of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships, and the councils of such village and township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. R. S. O. c. 184, s. 11.

When the village lies within two or more counties, it shall be annexed to one of them by the county councils or, in case of difference, by the Lieut.-Governor.

12.—(1) When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant-Governor shall, by proclamation, annex the village to one of such counties.

(2)

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

(2) In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor in Council as aforesaid, then 100 of the freeholders and householders on the census list may petition the Lieutenant-Governor in council to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated village to one of the counties. R. S. O. c. 184, s. 12.

Liability of territory detached from one county and annexed to another.

13.—(1) In case a locality is, under section 12 of this Act, detached from one county and annexed to another, the council of the county to which the locality is annexed and the council of the village shall agree with the council of the county from which the locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached and the times of payment thereof.

(2) If the councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids granted by sections of the county to railways, or for the payment of local improvement debts.

(3) The council of the county or of the village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such council has previously paid the amount to the municipality so liable, pay over the same when collected to the municipality which is liable for the debt on account of which the rates were imposed.

(4) Where the councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the village, and with the assent of at least two of the councils of the townships in which the village is situate, annul the incorporation of the village and restore the same to its former position as an unincorporated village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. R. S. O. c. 184, s. 13.

Addition to villages by Lieutenant-Governor.

14. In case the council of an incorporated village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 10 of this Act, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto; and in case the

territory

territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village. R. S. O. c. 184, s. 14.

Reducing the area of villages or towns.

15.—(1) The county council of any county or union of counties, upon the application, by petition, of the corporation of any incorporated village or town not withdrawn from the county, and with a population, as ascertained by the last municipal enumeration, not exceeding 2000, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf, reduce the area of such village or town by excluding from it lands used wholly for farming purposes.

New limits to be defined.

(2) The by-law shall define, by metes and bounds, the new limits intended for such incorporated village or town.

Population not to be reduced below 750.

(3) No incorporated village or town shall, by such change of boundaries, be reduced in population below the number of 750 souls.

Municipal rights of village or town not to be abridged.

(4) The municipal privileges and rights of the village or town shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. R. S. O. c. 184, s. 15.

An incorporated village may become unincorporated and may be annexed to an adjoining municipality.

16.—(1) In case the council of an incorporated village pass a resolution, by a two-thirds vote of the members thereof, declaring that it is expedient that the village should become unincorporated, and the resolution is approved by the electors in the manner required for by-laws creating debts; and in case the council of an adjoining municipality, or of two or more of the adjoining municipalities, pass a resolution or resolutions approving of the territory comprised in the village being annexed to such municipality or municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the village, and annexing the territory included therein to such municipality or municipalities. R. S. O. c. 184, s. 16 (1).

(*a*) The term "electors" in the preceding sub-section shall be held to include all freeholders and leaseholders whose lease extends over a period of not less than five years from the date when the said vote is taken, and whose names are entered in the last revised assessment roll of the said municipality. 52 V. c. 36, s. 2.

(2) If the said territory is annexed to one municipality, such municipality shall be liable for the debts of the village, and shall be entitled to its assets, but if the territory is annexed to two or more municipalities the councils of such municipalities shall, before the proclamation issues, agree between

themselves,

hemselves, or determine by arbitration, as to the proportion of the debt of the village to be borne by them respectively, and as to the assets, or proportion of the assets, of the said village which the municipalities shall respectively receive, and the municipalities shall respectively be liable for the proportion of indebtedness as determined by the agreement or award.

(3) If the award or agreement instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said municipalities as the denominator, shall be the proportion of the entire debt to be borne by such municipality, whether or not the debt is accurately stated in the agreement or award.

(4) It may be part of the arrangement between the village and the municipality or municipalities that the village shall, for a time, be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the municipality with which the village, or part of it, is to be united.

(5) In case the municipalities proposing to receive parts of the territory comprised in the village are in different counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the councils, and unless such councils have previously agreed, or shall within three months of the issue of a proclamation under this section agree, as to the proportions in which the share of the county debt, which is referable to such village, shall be borne by the several counties, the same shall be determined by arbitration under this Act.

(6) Where part of the village is to be attached to a city or town separated from the county for municipal purposes, such separated city or town shall be deemed a county within the meaning of the next preceding sub-section. R. S. O. c. 184, s. 16 (2-6).

Setting apart unincorporated village.

17.—(1) When any unincorporated village or settlement and its immediate neighbourhood lie wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may, on the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, by by-law, set the unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same are situate, and with boundaries to be respectively defined and declared in the by-law, for the purposes hereinafter mentioned.

(2)

(2) All the powers given to the council of every township by this Act shall remain in force as respects the portion of the township so set apart, and are hereby continued and extended to the council of every township wherein the portion thereof is so set apart, except so far as the same are or may be inconsistent with the enactments of this section. Jurisdiction of township continued.

(3) In addition to the powers given to the council of every township by this Act, the council of every township wherein a portion has been set apart under the provisions of this Act, shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages by this Act, as respects such portions as shall be so set apart, and may pass by-laws which shall apply exclusively and only to that portion of the township so set apart for the following purposes: Additional powers of township councils.

(*a*) To compel all persons (resident or non-resident) liable to statute labour within such prescribed limits, to compound for such labour at any sum not exceeding $1 for each day's labour, and that such sum shall be paid in commutation of such statute labour, and for enforcing the payment of such commutation in money in lieu of such statute labour.

(*b*) For all the purposes specified in sections 612 to 630, both inclusive, of this Act.

(4) Whenever in a township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of the township shall have power to pass a by-law uniting such separate divisions, so previously set apart, into one division, whereupon the council shall have all the powers over, and relating to the united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel. R. S. O. c. 184, s. 17.

Division II.—Towns and Cities.

Towns and Cities, how formed, and limits. *Secs.* 18-20.
Restrictions as to area of Towns. *Sec.* 10.
Wards, and additions to area. *Secs.* 21-23.
Annexation of Incorporated Villages or Towns to adjacent Villages, Towns or Cities. *Sec.* 24.
Towns, how withdrawn from and re-united to jurisdiction of County. *Secs.* 25, 26.

18. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof. R. S. O. c. 184, s. 18. Census of towns and villages.

19.

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

19. In case it appears by the census return taken under such by-law, or under any statute, that a town contains over 15,000 inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over 2,000 inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Notice to be given.

1. The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper is published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

Census returns to be certified, and publication of notice proved.

2. The council of the town or village shall cause the census returns to be certified to the Lieutenant-Governor in council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council; then, in the case of a village, the Lieutenant-Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

3. In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment, with interest from the time of the erection of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and upon the council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. R. S. O. c. 184, s. 19.

Town may be made a city by proclamation.

Limits o such new town or city.

20. The Lieutenant-Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant-Governor may consider desirable to attach thereto. R. S. O. c. 184, s. 20.

Wards.

21. The Lieutenant-Governor may divide the new town or city into wards, with appropriate names and boundaries, but

no

no town shall have less than three wards, and no ward in such town or city less than 500 inhabitants. R. S. O. c. 184, s. 21.

New division of wards in cities and towns.

22.—(1) In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof into wards, as may seem expedient, and may add to the city or town any part of the adjacent township or townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto, on such terms and conditions, as to taxation or otherwise, as the Lieutenant-Governor in Council sees fit and the council of the city or town may consent to. R. S. O. c. 184, s. 22.

Extension of city or town.

Re-division wards in cities and towns.

(2) In any case where the resident freeholders of any city with a population of 100,000 or over, to the number of at least five hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city without reducing the number of wards, or that a new division may be made reducing the number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors voting thereon voting in favour of the petition, it shall be the duty of the council to, and the council shall, within a reasonable time after the taking of the vote, subdivide the city into wards, so as to give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of this section.

Commission enquiry as to wards.

(3) In case any council neglects or refuses to make a new sub-division of any city into wards under the provisions of the last preceding sub-section for three months after the same shall have been voted upon and approved of by the electors, and in case one-third of the members of the council, or one hundred duly qualified electors of the municipality petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote, to be taken in manner

aforesaid

aforesaid, the Lieutenant-Governor in Council may issue a commission accordingly, to three commissioners, one to be named by the Lieutenant-Governor in Council, one by the Chancellor of Ontario, and one by the City Council, and the commissioners or a majority of them shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases. Should the city council within two weeks after notice fail to name a commissioner, the Lieutenant-Governor shall name two commissioners.

Commissioners to prepare a scheme of division.

(4) The commissioners so to be appointed as aforesaid, or a majority of them shall, within a reasonable time, report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by counsel in that behalf.

Lieutenant-Governor may make division by proclamation.

(5) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners by proclamation divide the city into wards, and the Lieutenant-Governor in Council shall have the like powers as are by this Act conferred upon him when application is made to divide a city into wards under this Act.

Expenses of commission.

(6) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of this Act.

Further division not to be made for five years.

(7) In case of a new division being made as aforesaid, another division shall not be made for five years thereafter. 53 V. c. 50, s. 1.

Where land attached to town, etc., belonged to another county.

23. In case a tract of land so attached to the town or city belonged to another county, the same shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the town or city. R. S. O. c. 184, s. 23.

Annexation of incorporated villages or towns to adjacent villages, towns or cities by proclamation.

24.—(1) In case the council of any incorporated village or town pass a resolution affirming the expediency of the annexation of such village or town to an adjacent village, town or city, and the municipal council of such last mentioned village, town or city, pass a similar resolution, and in case the electors of the first-mentioned village or town adopt a by-law, to be submitted to them, approving of such annexation, the Lieutenant-Governor in Council may, by proclamation, annex one municipality to the other, upon such terms as may have

been

been agreed upon by the councils, or as may have been determined by arbitration, in case the councils resolve to have the terms settled by arbitration.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a village, town or city.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the village or town to which the addition is made, into a town or city, by a name to be given thereto in the proclamation, and may divide or re-divide the city, town or village into wards. R. S. O. c. 184, s. 24.

(4) In case a petition signed by one hundred and fifty qualified municipal electors of any town or incorporated village, be presented to the council of such town or incorporated village asking that a by-law be submitted for the annexation of such town or incorporated village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit a by-law for the annexation of the said incorporated village or town to the vote of the municipal electors of the said town or incorporated village, and said council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petition and shall submit the same to the said municipal electors for approval or otherwise within four weeks after the receipt of the petition by the said council.

(5) A by-law which is duly carried, under the provisions of the last preceding sub-section, by the vote of the municipal electors of said town or incorporated village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council.

(6) Thereupon the council of such adjacent village, town, or city may, by resolution, assent to the annexation of such town or incorporated village aforesaid. 51 V. c. 28, s. 2, *part.*

(7) In the event of the annexation of any such town or incorporated village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same may be carried into effect by proclamation of the Lieutenant-Governor in Council on a day to be named in the said proclamation, or in any subsequent proclamation. 51 V. c. 28, s. 2, *part;* 52 V. c. 36, s. 3. *For time when incorporation or annexation takes effect, see* s. 89.

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

25. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act. subject to the following provisions and conditions:

1.

Amount to be paid by town to county to be settled by agreement or arbitration.

1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutally agreed upon shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued.

Matters to be considered by arbitrators.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town is then liable to pay, for the construction of roads or bridges by the county without the limits of the town; and also what the county has paid, or is liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain, and allow to the town, the value of its interest in all county property, except roads and bridges within the town.

Copy of agreement or award to be sent to the Lieutenant-Governor. Proclamation.

3. When the agreement or award has been made, a copy of the same and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the town from the jurisdiction of the council of the county.

Effect of such proclamation.

4. After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, or into the county treasury any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid.

New agreement or award after five years

5. After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the use of the gaol, erection and repairs of the registry office or offices, the providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

Property after withdrawal.

6. After the withdrawal of a town from the county all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. R. S. O. c. 184, s. 25.

Town may after five years from withdrawal pass by-law for re-union with county.

26.—(1) The council of a town which has withdrawn from a county, or union of counties, may, after the expiration of five years from the withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such county or union of counties.

By-law to have no effect until ratified by council of county, etc.

(2) The by-law shall have no effect unless ratified and confirmed by the council of the county or union of counties, from which the said town had previously withdrawn, within six months after the passing of the by-law, and unless the terms and conditions which the town shall pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:

Before by-law ratified, the amounts of the debts of town and county respectively shall be determined.

(3) Before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which shall be paid or borne by the county after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon the re-union, and as affecting the county or town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, the said matters shall be settled by arbitration, as provided by this Act. R. S. O. c. 184, s. 26.

Division III.—Townships.

Townships, how attached to other Municipalities. Sec. 27
When Junior Township may become a Separate Corporation. Secs. 28, 29.
Arrangement of joint assets and debts. Sec. 30.
New Townships—Union of. Secs. 31, 32.
Seniority of Townships. Sec. 33.
Effect of dissolution of Union of Counties on United Townships in different Counties. Sec. 34.

New township beyond limits of incorporated county may be attached to a county by proclamation.

27. In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county. R. S. O. c. 184, s. 27.

Junior township containing 100 freeholders, etc., may be separated from union.

28. When a junior township of an incorporated union of townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such township shall, upon the 1st day of January next after the passing of the proper by-law in that behalf by the county council become separated from the union. R. S. O. c. 184, s. 28.

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

29.—(1) In case a junior township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same.

and attached to an adjoining municipality.

(2) In case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council considers that the interest and convenience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. R. S. O. c. 184, s. 29.

Disposition of property upon dissolution of union.

30. After the dissolution of a union of townships, the following shall be the disposition of the property of the union:

Real property.

1. The real property of the union situate in the junior township, shall become the property of the junior township;

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships;

Other assets.

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement as to property and debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just;

How to be determined in case of disagreement.

5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township agree as to the disposition of the personal

property

property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act;

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved; and shall be provided for by the council of the indebted township like other debts. R. S. O. c. 184, s. 30.

Amount settled to bear interest.

31. In case a township is laid out by the Crown in an incorporated county or union of counties, or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such townships, for municipal purposes, to some adjacent incorporated township, or union of townships in the same county or union of counties. R. S. O. c. 184, s. 31.

New townships, etc., within the union of incorporated counties, to be united to adjacent townships, and how.

32. In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than 100 resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. R. S. O. c. 184, s. 32.

Townships not incorporated or united may be formed into unions.

33. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or county council may think fit. R. S. O. c. 184, s. 33.

Seniority of united townships, how regulated.

34. In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. R. S. O. c. 184, s. 34.

Effect of dissolution of union of counties on united townships in different counties.

Division IV.—Counties.

Counties, how formed. Sec. 35.
Seniority of United Counties. Sec. 36.
Laws applicable to Union of Counties. Sec. 37.

35. The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory (defining the limits thereof) not being

New counties how formed by proclamation, and annexed or united.

within

within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. R. S. O. c. 184, s. 35.

Seniority of united counties, how regulated.

36. In every union of counties, the county in which the county court house and gaol are situate shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. R. S. O. c. 184, s. 36.

Laws applicable to union of counties.

37. During the union of counties, all laws applicable to counties (except as to representation in Parliament or the Legislative Assembly, and registration of titles) shall apply to the union as if the same formed but one county. R. S. O. c. 184, s. 37.

DIVISION V.—PROVISIONAL COUNTY CORPORATIONS.

Provisional Corporations, formed by separation of Junior County. *Sec.* 38.
Provisional officers. *Secs.* 39, 40.
Property may be acquired on which to erect Gaol and Court House. *Sec.* 41.
Powers of Provisional Council not to interfere with united Corporation. *Sec.* 42.
Arrangement of joint assets and liabilities. *Secs.* 43-45.
Appointment of officials. *Sec.* 46.
Separation, when complete. *Secs.* 47, 48.
Effect of separation on judicial proceedings. *Secs.* 49-52.

Separation of united counties.

38. Where the census returns, taken under a statute, or under the authority of a by-law of the council of any united counties, shew that the junior county of the union contains 17,000 inhabitants or more, then if a majority of the reeves and deputy-reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if, in the month of February in the following year, a majority of the reeves and deputy-reeves transmit to the Lieutenant-Governor in

Council

Council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the junior county such as to call for a separate establishment of Courts and other county institutions, he may, by proclamation setting forth the facts constitute the reeves and deputy-reeves in that county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. R. S. O. c. 184, s. 38.

Appointment by proclamation of provisional council in junior county.

First meeting thereof.

County town.

39. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. R. S. O. c. 184, s. 39.

Who to preside.

40. Every provisional council shall from time to time, by by-law, appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. R. S. O. c. 184, s. 40.

Appointment of provisional warden and other officers.

Terms of office.

41. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. R. S. O. c. 184, s. 41.

Provisional council may acquire land, and erect thereon gaol and court house.

42. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. R. S. O. c. 184, s. 42.

Respective powers of provisional council and council of union.

43. After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining the balance the senior or remaining counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be just; and the value of the real estate, which upon the separation, becomes the property of the senior or junior county respectively, and any improvement effected by the union which either county gets the exclusive benefit of, shall also be taken into account. R. S. O. c. 184, s. 43.

Agreement upon dissolution as to joint liabilities and joint assets.

Senior county to assume debts of union.

Junior county to be charged with just proportion.

44.

When provisional councillors shall not vote.

44. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. R. S. O. c. 184, s. 44.

In case of disagreement, disputes to be determined by arbitration.

Payment of amounts found due.

45. In case the councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance or amount agreed or settled to be due by such county, and such amount shall bear interest at six per centum per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. R. S. O. c. 184, s. 45.

Appointment of Sheriff and other officials.

46. After the sum, if any, to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained, by agreement or arbitration, a Judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the County Court, a registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. R. S. O. c. 184, s. 46.

Final separation of united counties by proclamation.

Property, how divided.

47. After such appointments are made the Lieutenant-Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the 1st day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets belonging to the corporation of the union, shall belong to and be the property of the senior or junior county or union of counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county, or union of counties; and in the case of choses in action, they may be recovered in an action, or other proceeding, instituted or commenced in the name of the senior county or union of counties. R. S. O. c. 184, s. 47.

48.—(1) When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. R, S. O. c. 184, s. 48. Officers and property, etc. continued.

(2) The treasurer of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 152 of *The Assessment Act*. 51 V. c. 28, s. 3. Rev. Stat. c. 193.

49.—(1) The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause ; or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. R. S. O. c. 184, s. 49. Execution and service of process in hands of sheriff at time of separation.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time. Execution of writs.

(3) All actions and proceedings in any court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution, and other processes, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county ; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place. Pending actions.

Continuation of writs in hands of sheriff at time of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise have lost his priority.

Division Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts' Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned court as if they had been commenced therein.

Rev. Stat. c. 51.

Chattel mortgages.

(6) All chattel mortgages relating to property within any of the townships, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the County Court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal. 51 V. c. 28, s. 4.

Change of place of trial in actions, etc., after separation.

50. If upon a dissolution of a union of counties, there is pending an action, or other civil proceeding in which the county town of the union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order

the

the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new county. R. S. O. c. 184, s. 50.

51. In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the senior county. R. S. O. c. 184, s. 51. If no order made, where proceedings to be carried on.

52. All Courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. R. S. O. c. 184, s. 52. Place for holding courts in junior county

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Division VI.—Matters Consequent upon the Formation of New Corporations.

By-Laws to continue in force. Secs. 53, 54.
Debts and Liabilities how affected. Secs. 55-59.
Officials and their sureties, how affected. Secs. 60-63.

53. In case a village is incorporated, or village or town (with or without additional area) erected into a town or city or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. R. S. O. c. 184, s. 53. By-laws in force prior to formation of new corporation to continue in force until altered by council of new corporation.

54. In case an addition is made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. R. S. O. c. 184, s. 54. What by-laws bind where limits of a municipality are extended.

55. In the case of the erection of a locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. R.S.O. c. 184, s. 55. Liability for debts at the time of dissolution.

56.—(1)

Adjustment of debts when limits extended.

56.—(1) After an addition has been made to a village, town or city by the annexation of an adjoining village or town, or adjoining portion of a township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in the property and assets of the township or county, and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act. R.S.O. c. 184, s. 56.

Power to proceed with local improvements upon lands subsequently annexed to another municipality

(2) When any improvement, work or service coming under the provisions of sections 569 to 630, both inclusive, of this Act, and amending Acts, shall have been undertaken by any municipal corporation, and after such corporation shall have become liable for the carrying out of the same, the lands, or any part thereof to be specially benefited by any such improvement, work or service, has or shall become and form part of another municipality by incorporation, annexation, or otherwise under the provisions of this Act and amending Acts, or of any special Act, the municipal corporation from which such lands or any part thereof are taken shall have full power and authority by themselves, their servants, workmen and agents to proceed with any such improvement, work or service, to the completion thereof, and for such purposes to enter upon, take and use any lands lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, necessary to enable them to complete any such improvement, work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things which may be necessary for completing any such improvement, work or service, and for providing for the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made.

Municipality to which territory annexed to indemnify municipality commencing work.

(3) Any such municipality from which territory shall have been taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which any such addition is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service, undertaken and carried out, or to be carried out by it, under the provisions of sections

569 to 630, both inclusive of this Act and amending Acts, to the extent to which the lands specially assessed for the improvement, work or service lie within the territory taken from it, and included within the new municipality or added to the adjoining municipality, as the case may be, and all debts incurred by a municipality for its share of any such improvement, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of any such new municipality or the addition of territory to such adjoining municipality.

Where lands benefited are subsequently altogether within another municipality, latter to collect and pay whole debt.

(4) In any case when the local improvement, work or service lies wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law and the special assessments in each year during the currency of the debentures issued pursuant to such by-law, collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality are collected, and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by the resolution of the council of such new municipality or of the municipality to which such territory shall have been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof.

Where part only, municipality in which lands situate to collect proportion of cost.

(5) When part only of the lands specially benefited and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment, and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year, during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits, and the treasurer thereof shall, so soon as and as the same are collected, pay the amount thereof over to the treasurer of the municipality to which such lands formerly belonged. 53 V. c. 50, s. 3.

Debentures to be issued for debts, and to bind the old and new municipalities.

57. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures

tures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. R.S.O. c. 184, s. 57.

Assessments for year preceding dissolution.

58. All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. R. S. O. c. 184, s. 58.

Special rates for debts continued and to be paid over by treasurer of the junior county.

If the sum paid over exceeds the just amount, the excess may be recovered.

59. In case the amount paid over as in the last preceding section provided, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality. R. S. O. c. 184, s. 59.

Former council and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

60. In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation shall, until the council for the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. R. S. O. c. 184, s. 60.

Effect of separation upon public officers and their sureties.

61. The separation of a junior county or township from a union of counties or townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. R. S. O. c. 184, s. 61.

62.

62. All such public officers shall, after the separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township or for such remaining counties or townships only. R. S. O. c. 184, s. 62. Further provisions as to officers and their sureties.

63. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right of new securities being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. R. S. O. c. 184, s. 63. Right to require new securities not affected.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.
TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.
DIV. II.—IN CITIES.
DIV. III.—IN TOWNS.
DIV. IV.—IN INCORPORATED VILLAGES.
DIV. V.—IN TOWNSHIPS.
DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION I.—IN COUNTIES.

Councils. *Sec.* 64.
Certificate of Election, etc. *Secs.* 65-67.

64. The council of every county shall consist of the reeves and deputy-reeves of the townships and villages within the county, County Councils.

county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy-reeves shall be the warden. R. S. O. c. 184, s. 64.

Certificates as to election and number of voters to be filed by reeves and deputy-reeves.

65.—(1) No reeve or deputy-reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand, and the seal of the municipal corporation, that such reeve or deputy-reeve was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or deputy-reeve; nor, in case of a deputy-reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons, entitled to vote at municipal elections, for the first deputy-reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy-reeve, has taken place since the said voters' list was last revised.

(2) In counting the names of voters referred to in this section, and in sections 69, 70 and 71, the name of the same person shall not be counted more than once in any municipality whether the name of such person appears upon the voters' lists only once or more than once. 51 V. c. 28, s. 5.

Form of certificate as to election, etc.

66. The certificate in section 65 mentioned may be in the following form:

I, *A. B.*, of , Clerk of the Corporation of the Township (Town *or* Village *as the case may be*) of , in the County of , do hereby, under my hand and the seal of the said Corporation, certify that *C. D.*, of , Esquire, was duly elected Reeve (*or* Deputy Reeve *as the case may be*), of the said Township (Town *or* Village *as the case may be*), and has made and subscribed the declaration of office and qualification as such Reeve (*or* Deputy Reeve, *as the case may be*).

Given under my hand and the seal of the said Corporation of at , in the said Township (Town *or* Village *as the case may be*), this day of , A.D. 18 .

{ Seal of the Municipal Corporation. }

A.B.
Township (Town *or* Village) *Clerk.*

R. S. O. c. 184, s. 66.

Form of declaration as to number of voters.

67. The declaration in section 65 mentioned may be in the following form:

I, *A. B.*, of , Gentleman, Clerk of the Township (Town *or* Village, *as the case may be*) of , in the County of do hereby declare and affirm as follows:

(1)

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (Town *or* Village *as the case may be*).

(2) That there appear upon the said list the names of at least hundred (500 *for each Deputy Reeve*) persons entitled to vote at municipal elections in the said Township (Town *or* Village *as the case may be*).

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below hundred (500 *for each Deputy Reeve*), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

A. B.

51 V. c. 28, s. 6.

Division II.—In Cities.

Councils. Sec. 68.

68. The council of every city shall consist of the mayor who shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. R. S. O. c. 184, s. 68. City councils.

Division III.—In Towns.

Councils. Sec. 69.

69.—(1) The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward where there are less than five wards, and of two councillors for each ward where there are five or more wards; and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then a deputy reeve shall be added, and for every 500 additional names of persons so entitled to vote on such list there shall be elected an additional deputy-reeve; Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act. R. S. O. c. 184, s. 69 (1); 51 V. c. 28, s. 7. Town Councils. Reduction of number of councillors.

(2)

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than 100 resident municipal electors, asking the council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 293 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. R. S. O. c. 184, s. 69 (2).

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils. Sec. 70.

Incorporated Village Councils.

70. The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then of a reeve, deputy-reeve and three councillors, and for every additional 500 names of persons entitled to vote on such list there shall be elected an additional deputy-reeve instead of a councillor. 51 V. c. 28, s. 8, *part.*

DIVISION V.—IN TOWNSHIPS.

Councils. Sec. 71.

Township Councils.

71. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy-reeve, and three councillors and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy-reeve instead of a councillor. 51 V. c. 28. s. 8, *part.*

DIVISION VI.—IN PROVISIONAL CORPORATIONS.

Councils. Sec. 72.

72. The reeves and deputy-reeves of the municipalities within a junior county for which a provisional council is established, shall, *ex officio*, be the members of the provisional council. R.S.O. c. 184, s. 72. Provisional Councils.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

DIV. I.—QUALIFICATION,
DIV. II.—DISQUALIFICATION.
DIV. III.—EXEMPTIONS.

DIVISION I.—QUALIFICATION.

In each Municipality. Sec. 73.
Nature of Estate to be possessed. Sec. 74.
In new Township where no Assessment Roll. Sec. 75.
Where only one qualified person for each seat. Sec. 76.

73.—(1) No person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve, or councillor of any municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and encumbrances affecting the same, elsewhere than in the districts of Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay, Rainy River, and the provisional county of Haliburton; Qualification of mayors, aldermen etc.

1. In incorporated villages—Freehold to $200, or leasehold to $400; In villages.
2. In towns—Freehold to $600, or leasehold to $1,200; In towns;
3. In cities—Freehold to $1,000, or leasehold to $2,000; In cities;
4. In townships—Freehold to $400, or leasehold to $800; In townships
and in the said last named districts and provisional county;
5. In townships and incorporated villages, freehold to $200 In districts.
or leasehold to $400.
6. In towns, freehold to $400 or leasehold to $800.

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold;

But, if within any municipality any such person is at the time of election in actual occupation of any such freehold, rated in his own name or in the name of his wife, on the last revised assessment roll of the said municipality, he will be entitled to be elected, if the value at which such freehold is actually rated in said assessment roll amounts to not less than $2,000, and for that purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold. R.S.O. c. 184, s. 73.

When alienation of property rated not to disqualify.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property, or by the expiration or surrender of the demised term between the date of the return of the assessment roll and the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding sub-section.

Qualification of members of council where new territory added to village, town or city.

(3) In the case of the election of a person qualified under the preceding sub-section, the oath of office under sub-section 2 of section 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last revised assessment roll of this township (naming it) at an amount not less than $2,000." 51 V. c. 28, s. 9.

(4) When territory has been added to an incorporated village, town or city, before a revised assessment roll of the municipality has been made, which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the municipality of which such added territory had before the addition formed part. 53 V. c. 50, s. 4.

"Leasehold" defined.

Nature of estate

74. The term "leasehold" in the last preceding section shall not include a term less than a tenancy for a year, or from year to year; and the qualifications of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. R.S.O. c. 184, s. 74.

In new township not having assessment roll.

75. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. R.S.O. c. 184, s. 75.

76.

76. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. R.S.O. c. 184, s. 76.

If only one person be qualified for each seat in the council.

Division II.—Disqualification.

Persons disqualified. Sec. 77.

77.—(1) No Judge of any Court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, or clerk of any municipality, no bailiff of any Division Court, no county crown attorney, no registrar, no deputy clerk of the crown, no clerk of the County Court, no clerk of the peace, no High School trustee, no innkeeper or saloonkeeper, or shopkeeper licensed to sell spirituous liquors by retail, no license commissioner or inspector of licenses, no police magistrate, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, and no person who is counsel or solicitor, either by himself or with or through another, in the prosecution of any claim, action or proceeding against the municipality shall be qualified to be a member of the council of any municipal corporation. R.S.O. c. 184, s. 77 (1); 52 V. c. 36, s. 4.

Persons disqualified from being members of councils.

(2) But no person shall be held to be disqualified from being elected a member of the council of any municipal corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company. R.S.O. c. 184, s. 77 (2).

Proviso; as to shareholders in companies having dealings with corporations and lessees for 21 years from corporation.

Division III.—Exemptions.

Officials and Persons exempted. Sec. 78.

78. All persons over sixty years of age, all Members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil service of the Crown, all Judges not disqualified by the last preceding section, all coroners, all persons in priests' orders, clergymen and ministers of the Gospel of every denomination, all members of the Law Society of Ontario, whether barristers or students, all solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession,

Exemptions.

whether

whether physicians or surgeons, all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof, all millers, and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of a municipal council, or to any other municipal office. R.S.O. c. 184, s. 78. *See also as to Firemen*, R. S. O. c. 188, ss. 2-4.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.
TITLE II.—ELECTIONS.

TITLE I.—ELECTORS.

DIVISION I.—QUALIFICATION.

Freehold, Household, Income, or Farmers' Sons. Sec. 79.
Amount of rating requisite. Sec. 80.
Persons in default for non-payment of taxes. Sec. 81.
Elector must be named on voters' list. Sec. 82.
In new Municipality having no Assessment Roll. Sec. 83.
Where new Territory added. Sec. 84.
Joint or several rating on same property. Secs. 85, 86.
Householder, definition of. Sec. 87.

Qualification of electors.

79.—(1) Subject to the provisions of the next following eight sections the right of voting at municipal elections shall belong to the following persons, being men, or unmarried women, or widows, of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated, to the amount hereinafter provided, on the revised assessment roll, upon which the voters' list used at the election is based, of the municipality, for real property held in their own right (or, in the case of married men, held by their wives), or for income, and having received no reward and having no expectation of reward for voting:

Freeholders.

Firstly. All persons, whether resident or not, who are, in their own right or whose wives are, at the date of the election, freeholders of the municipality;

Householders and tenants.

Secondly. All residents of the municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the municipality;

Thirdly.

Thirdly. All residents of the municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than $400 ; Income voters.

Fourthly. All residents of the municipality at the date of the election who are farmers' sons, and have resided in the municipality on the farm of their father or mother for twelve months next prior to the return by the assessors of the assessment roll, on which the voters' list used at the election is based. Farmers' sons

(2) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote. When more than one son is resident.

(3) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such farm. Where father living and assessment not sufficient to qualify more than one.

(4) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. Temporary absence.

(5) In this section: Interpretation.

"Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres;

"Son" or "sons" or "farmer's son" or "farmers' sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm;

"Father" shall include stepfather;

"Election" shall mean an election for a member to a municipal council;

"To vote" shall mean to vote at an election; and

"Owner" shall mean a person who is proprietor in his own right, or whose wife is proprietor in her own right, of an estate for life, or any greater estate, either legal or equitable, except where the owner is a widow, and in such latter case the word "owner" shall mean proprietor in her own right of any such estate. R.S.O. c. 184, s. 79.

Any

Any leaseholder the term of whose lease is not less than five years shall be deemed an owner within the meaning of this section.

Amount of rating necessary.

80. In order to entitle a person to vote as aforesaid in respect of real property, such property, whether freehold or household or partly each, must be rated at an actual value of not less than the following:

In townships and incorporated villages	$100
In towns where the population does not exceed 3,000	200
In towns with a population of over 3,000	300
In cities	400

The population shall be determined by reference to the latest annual enumeration of the assessors.

Persons in default for non-payment of taxes not to vote.

81. No person who has been returned by the treasurer or collector under section 119 as in default for non-payment of his taxes on or before the 14th day of December next preceding any election, shall be entitled to vote in respect of income in any municipality or in respect of real property in municipalities which have passed by-laws under sub-section 2 of section 489, but any person who is entitled to vote and who produces and leaves with the deputy-returning officer at the time of the tendering of the vote a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes in respect of which the default had been made have since been paid, shall be entitled to vote; and the deputy-returning officer shall file the certificate, receive the vote and note the same on the defaulters' lists. R.S.O. c. 184, s. 81.

Elector must be named in voters' list.

No question of qualification to be raised.

82. Except in the case of a new municipality for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the list of voters. R.S.O. c. 184, s. 82.

In newly erected municipalities not having any assessment roll.

83. At the first election of a new municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. R.S.O. c. 184, s. 83.

Where new territory added to city, town or village, or a new

84. Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a new village is formed,

formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if such town or village had not been erected into a city or town, or if such village had not been formed, shall be entitled to vote in the city, town or village at such election. R.S.O. c. 184, s. 84.

city, town or village erected with added territory, and no voters' lists including such new territory.

85. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. R.S.O. c. 184, s. 85.

If owner and occupant severally rated both to be deemed rated.

86. Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. R.S.O. c. 184, s. 86.

When joint owners or occupants rated, rating to be equally divided.

87. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. R.S.O. c. 184, s. 87.

"Householder" defined.

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.
DIV. II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.
DIV. III.—OATHS.
DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.
DIV. V.—THE POLL.
DIV. VI.—MISCELLANEOUS PROVISIONS.
DIV. VII.—VACANCIES IN COUNCIL.
DIV. VIII.—CONTROVERTED ELECTIONS.
DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION I.—TIME AND PLACE OF HOLDING.

In Municipalities other than Counties. *Sec.* 88.
In new or altered Municipalities. *Sec.* 89.
Place, how fixed. *Sec.* 90.
In separated Townships. *Secs.* 91, 92.
Election of Reeves, etc., in Townships and Villages. *Sec.* 93.
Election Divisions. *Sec.* 94.
Where Elections shall be held. *Secs.* 95, 96.

Elections to be held annually.

88. The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council is organized. R.S.O. c. 184, s. 88.

Term of office.

First elections where corporations are newly erected or extended.

89. In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city; or in case of a new division into wards of a town or city,—the first election, under the proclamation or by-law by which the change was effected, shall take place on the first Monday in January next after the date of the proclamation, or from the passing of the by-law by which the change is made; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. R.S.O. c. 184, s. 89; 52 V. c. 36, s. 5.

Times of elections.

Place to be fixed by by-law of municipalities.

90. The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or polling subdivisions was held. R.S.O. c. 184, s. 90.

County council to appoint place of first election in junior townships after separation.

91. When in any year a junior township of a union has 100 resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. R.S.O. c. 184, s. 91.

Existing ward divisions in united townships to cease on dissolution of union.

92. In case of the separation of a union of townships, the existing divisions into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors shall be by general vote, until the township or townships are divided into polling subdivisions or wards under the provisions of this Act. R.S.O. c. 184, s. 92.

93.

93. The election, in townships and incorporated villages, of reeves, deputy-reeves and councillors, shall be by general vote, except in the case of deputy-reeves and councillors in townships divided into wards, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. R.S.O. c. 184, s. 93.

Election of reeves, etc., in townships and incorporated villages to be by general vote.

94. In case a majority of the qualified electors of a township on the last revised assessment roll petition the council of the township to divide the township into wards, or to abolish or alter any then existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to such petition; and, if such petition is for division into wards, shall divide such township into wards, having regard to the number of electors in each ward being as nearly equal as may be; and the number of wards for municipal purposes shall be four in all cases; and where the township is divided into wards, and is entitled to one or more deputy reeves, the councillors shall, at their first meeting, elect from among themselves such deputy-reeve or reeves. R.S.O. c. 184, s. 94.

Upon petition the council may, by by-law, divide townships into wards, etc.

Election of deputy-reeves etc., in such case

95. Every election shall be held in the municipality to which the same relates. R.S.O. c. 184, s. 95.

Election to be held in municipality.

96. No election of township councillors shall be held within any city, town or incorporated village, nor shall any election for a municipality, or any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. R.S.O. c. 184, s. 96.

Election of township councillors.

Division II.—Returning Officers and Deputy-Returning Officers.

When election by polling subdivisions. *Sec.* 97.
When not. *Sec.* 98.
Death or absence, provision for. *Sec.* 99.
Authority of. *Secs.* 100, 101.
Special Constables. *Sec.* 101.

97.—(1) The council of every municipality in which the election is to be made by wards or polling subdivisions, shall, from time to time, by by-law, appoint:

By-law for an election by wards or polling subdivisions.

(*a*) The places for holding the nominations for each ward;
(*b*) The returning officers who shall respectively hold the nominations for each ward;
(*c*) The places at which polls will be opened in the municipality in case a poll is required;
(*d*) The deputy returning officers who shall preside at the respective polling places.

(2)

Clerk of municipality to be returning officer for whole Municipality.

(2) The clerk of the municipality shall be the returning officer for the whole municipality, and in the case of a poll being required, the deputy-returning officers shall make to him the returns for their respective wards or polling subdivisions. R.S.O. c. 184, s. 97.

Returning officer for elections not by wards or polling sub-divisions.

98. In the case of a municipality in which the election is not to be by wards or polling subdivisions, the clerk shall be the returning officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to deputy-returning officers. R.S.O. c. 184, s. 98.

The death or absence of the returning officer or deputy returning officer provided for.

99. In any case where the returning officer for any ward refuses or neglects to attend at the time and place required by the clerk to receive his instructions and nomination papers and in any case where a deputy-returning officer refuses or neglects to attend at the time and place he is required by the returning officer to receive his voters' lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead, and the person so appointed shall have all the powers and authority that he would have had if he had been appointed by by-law. In case, at the time appointed for holding a nomination or poll, the person appointed to be returning officer or deputy-returning officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no returning officer or deputy-returning officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a returning officer or deputy-returning officer, and such returning officer or deputy-returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a returning officer or deputy-returning officer. R.S.O. c. 184, s. 99.

Returning officers and deputy returning officers to be conservators of the peace; their powers.

100. Every returning officer and deputy-returning officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the city or county in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the returning officer, or deputy-returning officer, or Justice of the Peace. R.S.O. c. 184, s. 100.

101. Every returning officer, or deputy-returning officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a returning officer or deputy-returning officer, or justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of $20, to be recovered to the use of any one who will sue therefor. R.S.O. c. 184, s. 101. Special constables may be sworn in.

Division III.—Oaths.

Of freeholder. *Sec.* 102.
Of householder or tenant. *Sec.* 103.
Of income voter. *Sec.* 104.
Of farmer's son. *Sec.* 105.
Administering. *Sec.* 106.

102. The only oaths or affirmations to be required of a person claiming to vote in respect of a freehold, shall be as follows, or to the like effect: Oaths, etc., of person claiming to vote as a freeholder.

You swear (*or* solemnly affirm) that you are the person named, or purporting to be named, in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow, *as the case may be*;)

That you are in your own right (*or* your wife is) a freeholder within this municipality.

That you are a natural born (*or* naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of Municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of Municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward and (*if the elector is tendering his vote for Mayor, Reeve, or Deputy-Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve *or* Deputy-Reeve *as the case may be*);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election:

So help you God.

(*In*

In new Municipality where no assessment roll.

(*In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*)

R.S.O. c. 184, s. 102; 53 V. c. 50, s. 5.

Oath of householder or tenant.

103. The oath or affirmation to be required of a person claiming to vote as householder or tenant, shall be as follows or to the like effect:

You swear (*or* solemnly affirm) that you are the person named, or purporting to be named, in the list, (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow, *as the case may be*;)

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, possessed to your own use and benefit, as tenant or occupant, of the real estate in respect of which your name is entered on the said list;

That you are (*or* your wife is) a householder or tenant within this Municipality;

That you have been resident within this Municipality for one month next before this election;

That you are a natural-born (*or* naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve, or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve *or* Deputy Reeve, *as the case may be*);

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

(*In the case of a new Municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.*)

R.S.O. c. 184, s. 103.

Oath of income voter.

104. The oath or affirmation to be required of a person claiming to vote in respect of income shall be as follows:

You

You swear (*or* solemnly affirm) that you are the person named (*or* purporting to be named by the name of) on the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

(*In the case of a widow or unmarried woman claiming to vote.*) That you are unmarried (*or* a widow, *as the case may be*);

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town *or* Village, *as the case may be*);

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling, *or* profession, *as the case may be*) of a sum of not less than $400;

That you are a subject of her Majesty by birth (*or* naturalization, *as the case may be*); and are of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve *or* Deputy Reeve, *as the case may be*);

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election:

So help you God.

R.S.O. c. 184, s. 104.

Oath of farmer's son.

105. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows:

You swear (*or* solemnly affirm) that you are the person named (*or* purporting to be named by the name of ,) in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

That on the day of , 18 (*the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires*), *A. B.* (*naming him or her*), was actually, truly, and in good faith possessed to his (*or* her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of the said *A. B.*;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all:

That you are still a resident of this Municipality, and entitled to vote at this election;

That you are a subject of Her Majesty by birth (*or* naturalization *as the case may be*); and are of the full age of twenty-one years;

In the case of municipalities not divided into wards.) That you have not voted before at this election, either at this or any other polling place;

(*In*

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in the Municipality at this election for Mayor, (Reeve, *or* Deputy Reeve *as the case may be*) ;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

R.S.O. c. 184, s. 105.

Voter may select any form of oath.

105*a*. The voter shall be entitled to select for himself for that purpose any one of the forms contained in sections 102 to 105 both inclusive, whatever may be the description either in the voter's list or assessment roll as to the qualification or character in respect of which he is entered upon the list or roll.

When and how oaths are to be administered

106. Such oaths or affirmations shall be administered by the returning officer or deputy-returning officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. R.S.O. c. 184, s. 106.

DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

Nomination Meetings. *Secs.* 107-111.
Presiding Officer. *Secs.* 108, 110, 114.
Provision for Christmas Day. *Sec.* 112.
Interval between Nomination and Election in Townships. *Sec.* 113.
Notice of Nomination. *Sec.* 115.
Proceedings at Nomination. *Sec.* 116.
Poll, when and where to be held. *Sec.* 116.
Resignations—Notifications as to Candidates. *Sec.* 117.
Votes to be given by Ballot. *Sec.* 118.
List of Defaulters in payment of Taxes. *Sec.* 119.
Ballot Boxes. *Sec.* 120.
Ballot Papers. *Secs.* 121-123.
Polling Places. *Secs.* 124, 125.
Ballot papers, voters' lists, etc., to be furnished to Deputy Returning Officers. *Secs.* 124, 126, 129-132, 135.
Directions to Voters. *Secs.* 126, 127.
Voters' and Defaulters' Lists. *Secs.* 128-134.
Certificates as to the Assessment Roll. *Sec.* 135.
In Municipalities not divided into Wards, Clerk to perform duties of Deputy Returning Officer. *Sec.* 136.
Where Electors may vote. *Secs.* 137-141.
Penalty for voting twice for Mayor, etc. *Sec.* 140.

107.—(1)

107.—(1) A meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and for mayor, reeve and deputy reeves in towns, at the hall of the municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected. R.S.O. c. 184, s. 107. Meeting for nomination of mayor, reeve, deputy reeves, etc.

(2) The council of any incorporated town, divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve. Nomination of councillors in towns.

(3) Where no such by-law is passed the nomination of councillors in such town shall take place as provided by section 109 of this Act.

(4) Notwithstanding anything herein contained, the council of any incorporated town or village may by by-law provide that the nomination for mayor, reeve, deputy reeve or reeves and councillors may be held at half past seven o'clock in the evening instead of at the hours and times in this Act mentioned. 51 V. c. 28, s. 10.

108. The clerk of the municipality shall be the returning officer to preside at such meeting, or in case of his absence, the council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate, from among themselves, and such clerk or chairman shall have all the powers of a returning officer. R.S.O. c. 184, s. 108. The clerk to preside. Chairman.

109. A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy reeves and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at the town hall of such municipalities, or at such place therein, and in cities and towns at such places in each ward thereof, as may from time to time be fixed by by-law, subject, in the case of townships, to the provisions of section 111; and the deputy reeves shall be designated as first, second, third, etc., according to the number to be elected, and the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon. R.S.O. c. 184, s. 109; 51 V. c. 28, s 11. Meetings in cities, towns, etc., for nomination of aldermen, etc.

110. In townships divided into wards, the nomination of candidates for the office of reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the township as may from time to time be fixed by by-law, and the township clerk shall preside; the nomination In townships divided into wards.

of

of candidates for the office of councillor, to be elected for each ward, shall take place at noon, at the town hall of the township or at such place in the township or in each ward as may be fixed by by-law; subject, however, to the provisions of section 111. R.S.O. c. 184, s. 110.

Place of meeting for nomination of reeves, etc.

111. Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy reeves, and councillors, as the case may be, under and in accordance with the provisions of the preceding two sections of this Act. R.S.O. c. 184, s. 111.

If nomination day falls on Christmas day.

112. When the last Monday in December happens to be Christmas day, the nomination of candidates for the offices of mayor and aldermen in cities, and of mayor, reeve, deputy-reeve and councillors in other municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. R.S.O. c. 184, s. 112.

County council may by by-law lengthen time between nomination and polling in townships.

113.—(1) Every county council may, by by-law, made on or before the 1st day of July in any year provide that the day for the nomination of candidates for reeve, deputy-reeves, and councillors in townships shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such townships.

Copy of by-law to be sent to townships affected.

(2) Forthwith, after the passing of such by-law, the county clerk shall transmit a copy thereof to the clerks of the townships to which the same relates. R.S.O. c. 184, s. 113.

Presiding officer.

114. The returning officer appointed for each ward, as in section 97 mentioned, or the clerk as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. R.S.O. c. 184, s. 114.

Notice of nomination meeting.

115. The clerk or other returning officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. R.S.O. c. 184, s. 115.

Nomination and proceedings incident thereto.

116. At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if only one candidate for any particular office is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the clerk

Poll—when and where to be held.

or

or other returning officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. R.S.O. c. 184, s. 116.

Resignation of persons proposed for office at nomination meetings.

117. At the nomination meeting or on the following day any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the clerk or other returning officer or chairman shall, on the day of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices; provided always, that the resignation after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within the time hereinbefore mentioned, be delivered to the clerk of the municipality; provided, also, that if by reason of such resignation only one candidate remains proposed for a particular office, the clerk or other returning officer shall declare such candidate duly elected for such office

Proviso.

Proviso.

Votes to be by ballot.

118. In case of a poll at an election of persons to serve in municipal councils, the votes shall be given by ballot. R.S.O. c. 184, s. 118.

List of Defaulters in payment of Taxes.

Preparation of list of defaulters.

119.—(1) On or before the day of nomination of candidates, if the collectors' roll has been returned to the treasurer of the municipality, the treasurer shall prepare and verify on oath, or if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of—

(*a*) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the 14th day of December preceding the election; and,

(*b*) In municipalities which have passed by-laws under sub-section 2 of section 489 of this Act, all persons on the voters' list (that is to say the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the 14th day of December preceding the election.

List to be made for each polling division.

(2) Where a municipality is divided into polling subdivisions, such a list of defaulters shall be made for each polling subdivision.

Certified copies to be furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. R.S.O. c. 184, s. 119.

Ballot Boxes.

Ballot boxes to be furnished.

120.—(1) Where a poll is required, the clerk of the municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are wards or polling subdivisions within the municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to deputy returning officers.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

Clerk to preserve boxes for future elections.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the municipality.

Penalty on failure to furnish boxes.

(5) If the clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of $100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Deputy returning officers to procure boxes when not supplied.

(6) It shall be the duty of the deputy-returning officer in every ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the treasurer of the municipality in which such ward or polling subdivision is situate for the cost of the ballot box, and the treasurer shall pay to the deputy-returning officer the amount of the order. R.S.O. c. 184, s. 120.

Ballot Papers.

Ballot papers to be printed.

121.—(1) Where a poll is required, the clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election.

Contents and form of ballot papers.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. R.S.O. c. 184, s. 121.

122.—(1)

122.—(1) The names of the candidates for mayor in cities, and for mayor, reeve and deputy-reeves in towns, shall not be included in the same ballot paper with the names of the candidates for aldermen and councillors respectively; but Different sets of ballot papers to be prepared.

(2) In cities one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen in the ward; and In cities.

(3) In towns one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor and reeve and deputy-reeve, and another kind or set shall be prepared for each ward or polling subdivision, containing the names of the candidates for councillors in the ward; and In towns.

(4) In townships divided into wards, one kind or set of ballot papers shall be prepared for all the wards, containing the names of the candidates for reeve, and another kind or set shall be prepared for each ward, containing the names of the candidates for councillors in the ward. R.S.O. c. 184, s. 122 In townships divided into wards.

123. The ballot papers shall be in the form of Schedule A to this Act. R.S.O. c. 184, s. 123. Form of ballot papers.

Polling Places.

124. In case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy-returning officer has been appointed to act, and shall also furnish to the deputy-returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the deputy-returning officer for the convenient use of voters. R.S.O. c. 184, s. 124. Clerk to furnish deputy returning officers with ballot papers, etc.

125. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the municipality and deputy-returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place. R.S.O. c. 184, s. 125. Compartment wherein voters may mark votes.

Directions to Voters.

126. In case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer such number of printed directions for Clerk to furnish deputy returning officer with directions for voters' guidance.

for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act. R.S.O. c. 184, s. 126

Deputy returning officers to placard the directions.

127. Every deputy-returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the clerk of the municipality, if he did not receive the same before the opening of the poll, cause the printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R.S.O. c. 184, s. 127.

Voters' and Defaulters' Lists.

Proper voters' list to be used at an election.

52 V. c. 3.

128. Subject to the provisions of the next following three sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the clerk of the peace under *The Voters' Lists Act*. R.S.O. c. 184, s. 128.

For first election in new municipality.

129. For the first election of a new municipality for which there is no separate assessment roll, the clerk of the municipality shall provide every deputy-returning officer with a poll book, prepared according to the form of Schedule C to this Act, instead of a voters' list, and either the deputy-returning officer or his sworn poll clerk shall therein enter, in the proper column, the name of every person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name R.S.O. c. 184, s. 129.

Voters' lists in cases under section 84.

130.—(1) Where any territory is added for municipal purposes, to any city, town, or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or where a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases, the clerk of the new or enlarged city, town, or village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the city, town, or village if such territory had remained separate from the city, town, or village, from the last filed or certified voters' list of the municipality or municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

(2)

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the clerk, and delivered by him to the proper deputy-returning officers for the purpose of enabling the persons named in such lists to vote at the election. R.S.O. c. 184, s. 130. Form of supplementary lists.

131.—(1) In any municipality for which there is a separate assessment roll, but for which no voters' list for the municipality has been filed with the clerk of the peace or certified by the County Judge under *The Voters' Lists Act*, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every or any ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. List of Voters 52 V. c. 3.

(2) In the case of—

(*a*) Income voters, and

(*b*) Persons assessed for real property, if the municipality has passed a by-law under sub-section 2 of section 489 of this Act,

the clerk shall exclude from the list such persons as may be returned to him by the treasurer or collector as being in default for not having paid their municipal taxes respectively on or before the 14th day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. R.S.O. c. 184, s. 131. Persons in arrears for taxes shall be excluded from list.

132. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy-returning officer for every ward or polling subdivision, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or polling sub-division under section 128 and following sections, together with a blank poll book according to the form of schedule C to this Act, and also a copy of the proper defaulter's list for the polling sub-division certified by the treasurer or collector pursuant to section 119 of this Act. R.S.O. c. 184, s. 132; 54 V. c. 42, s. 3. Delivery of copies of voters' list poll book and defaulters' list to deputy returning officers.

133. The copies of the voters' lists in the next preceding section mentioned, may be prepared by the clerk of the municipality, or may be procured from the clerk of the peace, if filed under *The Voters' Lists Act*, and in the latter case the clerk of the peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. R.S.O. c. 184, s. 133. Copies may be prepared by clerk of municipality or procured from clerk of peace. 52 V. c. 3

134.

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

134. The defaulters' lists furnished and verified by the treasurer or collector as aforesaid, shall be the evidence on which the deputy-returning officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 119 of this Act. R.S.O. c. 184, s. 134.

Certificates as to the Assessment Roll.

Clerk to give certificate of dates of return and final revision of assessment roll.

135.—(1) The clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer a certificate (which may be in the form of Schedule D to this Act), of (*a*) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the assessor, and also (*b*) of the day when the said assessment roll was finally revised and corrected.

Fee for certificate. Penalty for neglect.

(2) The clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of $200 in case of neglect or refusal.

To be evidence of such date at the poll.

(3) The certificate, when delivered to the deputy-returning officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be.

When assessment roll to be considered as finally revised and corrected. Rev. Stat c 193.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the court of revision for the municipality, or by the Judge of the County Court in case of an appeal, as provided by *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before. R.S.O. c. 184, s. 135.

Municipalities not divided into Wards.

In Municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers

136. In case of municipalities which are not divided into wards or polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy-returning officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list, poll book and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to deputy-returning officers; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer in respect of a ward or polling subdivision. R.S.O. c. 184, s. 136; 54 V. c. 42, s. 4.

Where

Where electors may vote.

Voting in towns and cities.

137. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification, but in case of mayor of cities, mayor, reeve or deputy reeve of towns, the elector is limited to one vote. R.S.O. c. 184, s 137.

Voting in townships and villages.

138. In townships and incorporated villages divided into wards or polling subdivisions, no elector shall vote in more than one ward or polling subdivision for the same candidate. R.S.O. c. 184, s. 138.

Where persons are to vote for mayor, reeve, and deputy reeve.

139. Every elector who is entitled to a vote in more than one ward or polling subdivision shall vote for mayor in cities, and for mayor, reeve, and deputy reeve in towns, and for reeve in townships divided into wards, at the polling place of the ward or polling subdivision in which he is resident, if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the ward or polling subdivision where he resides, then where he first votes and there only. R.S.O. c. 184, s. 139.

Penalty for voting twice for mayor, reeve or deputy reeve.

140.—(1) Any person who votes for mayor, reeve, or in towns or townships for deputy reeve, after having already voted for mayor, reeve, or deputy reeve at some other polling place at that election, shall incur a penalty of $50, to be recovered, with full costs of suit, by any person who will sue for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. R.S.O. c. 184, s. 140.

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

141.—(1) The clerk of the municipality, on the request of any elector, entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Right to vote on production of certificate.

(2) On the production of the certificate, the deputy-returning officer, poll clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise

have

have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy-returning officer, poll clerk, or agent during the day of polling; nor to vote for aldermen in cities, or councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled so to vote.

Who to administer oath.

(3) In case of a deputy-returning officer voting at the polling station where he has been appointed, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk any elector authorized to be present, may administer to the deputy-returning officer the oath required by law to be taken by voters. R.S.O. c. 184, s. 141.

DIVISION V.—THE POLL.

Ballot box to be exhibited. *Sec.* 142.
Duty of Deputy Returning-Officer. *Secs.* 142-145, 155.
How votes to be received. *Secs.* 143-145.
How ballot paper to be marked. *Sec.* 146.
Exclusion from balloting compartment. *Sec.* 147.
Ballot papers not to be taken away. *Sec.* 148.
Proceedings in case of incapacity to mark ballot. *Sec.* 149.
Ballot paper inadvertently spoiled. *Sec.* 150.
Who may be present in polling place. *Sec.* 151.
Counting the votes—Objections—Statement. *Sec.* 152.
Who may be present at the counting of the votes. *Sec.* 153.
Certificates of state of poll. *Sec.* 154.
Returns, etc., to be made by Deputy-Returning Officers. *Sec.* 155.
Clerk to cast up votes and declare who is elected. *Secs.* 156, 160.
Right of Clerk, Deputy-Returning Officers and Poll Clerks to vote. *Sec.* 157.
Riots. *Secs.* 158, 159.
Declarations of Office to be made by persons elected. *Sec.* 161.

Deputy returning officer to shew box empty to persons present and then lock and seal it.

142. The deputy-returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. R.S.O. c. 184, s. 142.

Proceedings by deputy returning officer on tender of vote.

143. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows:

1.

1. He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the ward or polling subdivision for which such deputy-returning officer is appointed to act. R.S.O. c. 184, s. 143. (1) Name.

2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and legal addition of such person. 54 V. c. 42, s. 5. Recording.

3. If such person takes the oath or affirmation required to be taken by voters in the manner directed by sections 102 to 105 inclusive of this Act, the deputy-returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book the word "*Sworn*," or "*Affirmed*," according to the fact. Oath.

4. Where the vote is objected to by any candidate or his agent, the deputy-returning officer shall enter the objection, or cause the same to be entered in the poll book, by writing opposite the name of such person in the proper column, the words "*Objected to*," stating, at the same time, by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*," the name only of such candidate. Objection.

5. Where such person has been required to take the oath or affirmation, and refuses to take the same, the deputy-returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact; and the vote of such person shall not be taken or received; and if the deputy-returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of $200. R.S.O. c. 184, s. 143 (3-5); 54 V. c. 42, s. 6, *part*. Refusal to take the oath.

6. Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the deputy-returning officer shall, before signing his name or initials on the back of the ballot paper, place or cause to be placed a check or mark opposite to the name of the voter in the certified voter's list to indicate that the name of such person has been entered in the poll book and the person allowed to vote. 54 V. c. 42, s. 7. Deputy returning officer to mark ballot paper and voter's list.

7. The ballot paper shall be delivered to such person. Delivery of paper to voter.

8. The deputy-returning officer may, and upon request shall, either personally or through his sworn poll clerk, explain to the voter, as concisely as possible, the mode of voting. R.S.O. c. 184, s. 143 (7-8). Deputy returning officer to explain mode of voting.

144. Every deputy-returning officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as provided for by sub-section 6 of section 143 of Deputy returning officer refusing, etc., to initial ballot paper.

of this Act, shall forfeit to any person aggrieved by such refusal, or omission, the sum of $10, in respect of every ballot paper deposited at his polling subdivision, upon which the said deputy-returning officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by section 214 of this Act. R.S.O. c. 184, s. 144.

Deputy returning officer to note in poll book voters to whom ballot papers given

145. The deputy-returning officer shall place, or cause to be placed, in the columns of the poll book headed "*Mayor*," "*Reeve*," (or "*Mayor and Reeve*") "*Alderman*," and "*Councillor*," as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for mayor, reeve, alderman, or councillor as the case may be. R.S.O. c. 184, s. 145; 54 V. c. 42, s. 6, *part*.

Marking ballot paper

146. Upon receiving from the deputy-returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross, thus X, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the deputy-returning officer, and leaving the compartment, shall, without delay, and without shewing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. R.S.O. c. 184, s. 146.

Exclusion from balloting compartment.

147. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R.S.O. c. 184, s. 147.

Voter not to take his ballot paper from polling place.

148. No person who has received a ballot paper from the deputy-returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall

thereby

thereby forfeit his right to vote; and the deputy-returning officer shall make an entry in the poll book, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the deputy-returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall return said ballot paper to the clerk of the municipality, as hereinafter directed. R.S.O. c. 184, s. 148; 54 V. c. 42, s. 6, *part.*

Proceedings in case of incapacity to mark ballot paper.

149. In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:

1. The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box. R.S.O. c. 184, s. 149, (1).

2. The deputy-returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section, and the reason why it is so marked. R.S.O. c. 184, s. 149 (2); 54 V. c. 42, s. 6 *part.*

3. The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting. R.S.O. c. 184, s. 149 (3).

Proceedings in case ballot paper cannot be used.

150. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy-returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall return the ballot paper to the clerk of the municipality as hereinafter directed. R.S.O. c. 184, s. 150.

151.

Who may be present at polling place.

151. During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks, or agents, authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the deputy-returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the deputy-returning officer, be obstructing the polling or wilfully violating the provisions of this Act. R.S.O. c. 184, s. 151.

Counting the votes.

152. Immediately after the close of the poll in every polling place, the deputy-returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:

Rejected ballots.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the deputy-returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the deputy-returning officer on the back, is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

Deputy returning officer to note objections taken to ballot papers at the counting, and number objection and ballot paper to correspond.

2. The deputy-returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

3. Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer.

Endorsing ballot paper.

4. The deputy-returning officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to*," if any objection is made to his decision.

Statement

5. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him which shall be made under the several heads—

(*a*)

(*a*) Name or number of ward or polling subdivision and of the municipality and the date of election;

(*b*) Number of votes for each candidate;

(*c*) Rejected ballot papers.

Statement to be signed.

6. Upon the completion of the written statement, it shall be forthwith signed by the deputy-returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. R.S.O. c. 184, s. 152.

Agents entitled to be present.

153. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. R.S.O. c. 184, s. 153.

Deputy returning officer to give certificate of state of poll.

154. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected balot papers. R.S.O. c. 184, s. 154.

Deputy returning officer's duties after votes are counted.

155.—(1) Every deputy-returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality,

(*a*) The statement of votes given for each candidate and of the rejected ballot papers;

(*b*) The used ballot papers which have not been objected to and have been counted;

(*c*) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;

(*d*) The rejected ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The unused ballot papers;

(*g*) A statement of the number of voters whose votes are marked by the deputy-returning officer under the heads "Physical incapacity," and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot-box.

(2)

Declaration by deputy returning officer as to use of voters' list.

(2) Before returning the voters' list to the clerk of the municipality the deputy-returning officer shall make and subscribe before such clerk, or a Justice of the Peace or the poll clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule G to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality.

Packets of ballot papers etc., to be delivered to the clerk of municipality.

(3) If the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall forthwith deliver such packets personally to the clerk of the municipality; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the clerk of the municipality.

Statement to be made by deputy returning officer on return of ballot papers, etc.

(4) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

If dispute as to result arises how to be settled.

(5) If the deputy-returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy-returning officer the packages of ballot papers shall be broken open by the clerk of the municipality, in the presence of the deputy-returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the deputy-returning officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned: and the clerk of the municipality shall forthwith, in the presence of the deputy-returning officer and such of the candidates or of their agents

as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. R.S.O. c. 184, s. 155.

Clerk to cast up votes and declare who is elected, etc.

156. The clerk of the municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall, at the town hall, or, if there is no town hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. R.S.O. c. 184, s. 156.

In case of a tie clerk to have a casting vote;

157.—(1) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

but otherwise, not to vote.

(2) Except in such case, no clerk of the municipality shall vote at any municipal election held in his municipality. *See sec.* 319.

Deputy returning officers, etc., may vote if qualified.

(3) All deputy-returning officers and persons employed as deputy-returning officers and poll clerks, if otherwise qualified, shall be entitled to vote. R.S.O. c. 184, s. 157.

Election not commenced, or interrupted by reason of riot etc., to be resumed.

158. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy-returning officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R.S.O. c. 184, s. 158.

If election is prevented for four days, poll book is to be returned, and a new election ordered.

159. In case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours the returning officer, or deputy-returning officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor. R.S.O. c. 184, s. 159. *See also sec.* 181.

160.

Declaration of election—duty of the Clerk.

160. When a poll has been duly held in each of such wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, or if there is no town hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. R.S.O. c. 184, s. 160.

Declaration and assumption of office.

161. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. R.S.O. c. 184, s. 161.

DIVISION VI.—MISCELLANEOUS PROVISIONS.

Disposition of Ballot Papers. *Sec.* 162.
Inspection of Ballot Papers. *Sec.* 163.
Recount of Votes. *Secs.* 163-165.
Production of documents, how far evidence, etc. *Sec.* 166.
Offences and Penalties. *Secs.* 167, 168.
Secrecy of proceedings at polling places. *Secs.* 169-171.
Candidates may do Agents' duty. *Sec.* 172.
Non-attendance of Agents. *Sec.* 173.
Computation of time. *Sec.* 174.
Technical objections not to prevail. *Sec.* 175.
Expenses of Clerk of Municipality, etc. *Sec.* 176.

Ballot papers how disposed of.

162. The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by deputy-returning officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed amongst the records of the municipality by the said clerk. R.S.O. c. 184, s. 162.

Ballot papers to be inspected only by order of a Court or Judge.

163.—(1) No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a

petition

petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality.

Order may be subject to conditions.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient.

Recount of votes by the County Judge

(3) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the county in which the municipality is situated, at any time within fourteen days from the time the ballot papers are received by the clerk of the municipality, that a deputy-returning officer at any election in such municipality for mayor, alderman, reeve, deputy-reeve, councillor, or water commissioner, in counting the votes has improperly counted or rejected any ballot papers at such election, the County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same.

Deposit by applicant.

(4) At the time of the application for a re-count, the applicant shall deposit with the clerk of the County Court the sum of $25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the Judge.

Who may be present at re-count.

(5) The County Judge, the clerk of the municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge shall be present at the re-count of the votes.

Opening of packets.

(6) At the time and place appointed the County Judge shall proceed to re-count all the votes or ballot papers received by the clerk of the municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (*a*) the used ballot papers which have not been objected to and have been counted; (*b*) the ballot papers which have been objected to, but which have been counted by the deputy returning officer; (*c*) the rejected ballot papers; (*d*) the spoiled ballot papers; (*e*) the unused ballot papers; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

Re-count to be a continuous proceeding.

(7) The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such

other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents. R.S.O. c. 184, s. 163, (1-7).

Procedure on re-count.

(8) The County Judge shall proceed to re-count the vote as follows:

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the deputy-returning officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for, but no word or mark written or made, or omitted to be written or made by the deputy returning officer on a ballot paper, shall avoid the same.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

(*a*) Name of municipality;

(*b*) Names of the candidates;

(*c*) Number of votes for each candidate;

(*d*) Papers wanting signature or initials of deputy-returning officer;

(*e*) Papers rejected as voting for more candidates than entitled to;

(*f*) Papers rejected as having a writing or mark by which voters could be identified;

(*g*) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the re-count, or as soon as he has thus ascertained the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the clerk of the municipality, who shall then declare to be elected the candidate having the highest number of votes; and in case of an

equality

equality of votes, the clerk of the municipality shall have the casting vote as provided in section 157 of this Act. R.S.O. c. 184, s. 163 (8); 52 V. c. 36. s. 6.

Existing remedies not affected.

164. Nothing in the preceding section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise. R.S.O. c. 184, s. 164.

Costs of application.

165.—(1) All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of costs.

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court.

Recovery of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. R.S.O c. 184, s. 165.

Production of documents and endorsements on ballot papers evidence for certain purposes.

166. Where a rule or order is made for the production by the clerk of the municipality, of any document in his possession relating to a specified election, the production of the document by the clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the clerk, shall be evidence of such papers being what they are stated to be by the endorsement. R.S.O. c. 184, s. 166.

Offences.

167.—(1) No person shall—

(*a*) Without due authority supply any ballot paper to any person; or

(*b*) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

(*c*) Fraudulently take out of the polling place any ballot paper; or

(*d*)

(*d*) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or

(*e*) Apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or having voted once and not being entitled to vote again at an election shall apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper. R. S. O. c. 184, s. 167 (1); 51 V. c. 28, s. 12.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. R.S.O. c. 184, s. 167 (2, 3).

Money penalty for offences.

168. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 119 to 167, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of $400. R.S.O. c. 184, s. 168.

Maintaining secrecy of proceedings at polling places.

169.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5)

(5) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R.S.O. c. 184, s. 169. Penalty for contravening this section.

170. The clerk of the municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the clerk of the municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the clerk of the municipality, or of the deputy-returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. R.S.O. c. 184, s. 170. Statutory declaration of secrecy.

171. No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted. R.S.O. c. 184, s. 171. No one compellable to disclose his vote

172. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 149. R.S.O. c. 184, s. 172. Candidates may undertake duties of an agent.

173. When in the sections of this Act numbered from 119 to 172 inclusive expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. R.S.O. c. 184, s. 173. Expressions in ss. 119-172, referring to agents. Non-attendance of agents.

174. In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority Public holidays, etc., excluded in

for

reckoning time under ss. 119-172, except for nomination and election of mayors, etc.

for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on a day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor and aldermen in cities, and mayor, reeve, deputy-reeves and councillors in other municipalities. R.S.O. c. 184, s. 174.

No election to be invalid for want of compliance with principles of Act where result not affected.

175. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. c. 184, s. 175.

Expenses incurred by officers to be refunded.

176. The reasonable expenses incurred by the clerk of the municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the clerk of the municipality by the treasurer of the municipality, and shall be distributed by the clerk of the municipality to the several persons entitled thereto. R.S.O. c. 184, s. 176.

DIVISION VII.—VACANCIES IN COUNCIL.

By Crime, Insolvency, or Absence. Sec. 177.
Quo Warranto proceedings. Sec. 178.
By Resignation. Secs. 179, 180.
How filled—New Elections. Secs. 180-182, 185.
Seat held for residue of term. Sec. 183.
Not to prevent organization of Council. Sec. 184.
In certain cases Council to fill. Sec. 186.

Seats to become vacant by crime, insolvency, absence, etc.

177. If after the election of a person as member of a council he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. R.S.O. c. 184, s. 177.

178.

Quo warranto proceedings on omitting to vacate seat.

178. In the event of a member of a municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat such member, as provided by sections 187 to 208, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. R.S.O. c. 184, s. 178.

Any member may resign with consent of majority of council.

179. Any mayor or other member of a council may, with the consent of the majority of the members present, to be entered on the minutes of the council, resign his seat in the council. R.S.O. c. 184, s. 179.

Resignation of warden provided for.

Vacancies, how filled.

180. The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the clerk shall notify all the members of the council, and shall, if required by a majority of the members of the county council, call a special meeting to fill such vacancy. R.S.O. c. 184, s. 180.

New election provided for, and mode of conducting same.

181. In case no return is made for one or more wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council, shall forthwith, by warrant, under the signature of such head, clerk or member, if procurable, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. R.S.O. c. 184, s. 181.

Election of Mayor on vacancy after 1st Dec.

182. In case the office of mayor of a city or town becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term. R.S.O. c. 184, s. 182.

183.

Seat to be held for residue of term.

183. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. R.S.O. c. 184, s. 183.

Warrant for new election;

but neglect not to prevent organization of council.

184. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk, in like manner, as provided by section 181, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. R.S.O. c. 184, s. 184.

Time for holding new election.

185. The returning officers and deputy-returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. R.S.O. c. 184, s. 185.

Mode of appointing requisite number of members of council if election neglected, etc.

186. In case, at an annual or other election, the electors, from any cause not provided for by sections 158 or 159, neglect or decline to elect the members of council for a municipality on the day appointed, or to elect the requisite number of members, the new members of the council, if they equal or exceed the half of the council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them,— shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. R.S.O. c. 184, s. 186.

DIVISION VIII.—CONTROVERTED ELECTIONS.

How validity or right of election determined. *Secs.* 187-197.
Writ for removal, etc. *Sec.* 198.
If election of whole Council invalid. *Sec.* 199.
Disclaimer. *Secs.* 200-205.
Costs. *Secs.* 204, 206.
Decision of Judge final—Enforcing Judgment. *Sec.* 207.
Judges may settle forms and practice. *Sec.* 208.

Trial of contested elections or right to elect.

187.—(1) In case the right of a municipality to a reeve or deputy-reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy-reeve, alderman, or councillor is contested, the same may be tried by a Judge of the High Court, or the senior or officiating Judge of the County Court of the county in which the election or appointment took place; and when the right of a municipality

to

to a reeve or deputy-reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the council or any elector of the ward, or if there is no ward, of the municipality for which the appointment was made, may be the relator for the purpose. R.S.O. c 184, s. 187.

Jurisdiction of Master in Chambers.

(2) The Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers at his request under the rules of the Supreme Court of Judicature from time to time in force, shall have the same jurisdiction as a Judge of the High Court to try the matters aforesaid.

Appeal from County Judge or Master in Chambers.

(3) The judgment of a Judge of the High Court shall be final, but the judgment of the Master in Chambers or other officer aforesaid or of a County Court Judge under this section shall be appealable to a Judge of the High Court, and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal in other cases from the judgment of a Local Master or the Master in Chambers. The judgment of a Judge of the High Court on such an appeal shall be final.

Time within which proceedings to be instituted, and security and proof required.

188. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to such Judge, or officer having jurisdiction as aforesaid, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a commissioner for taking affidavits or bail in the sum of $200 with two sureties (to be allowed as sufficient by the Judge or officer aforesaid upon affidavit of justification) in the sum of $100 each, conditioned to prosecute with effect, any motion in the nature of a *quo warranto* notice of which may as hereinafter mentioned be allowed to be served and to pay the party against whom the motion is made any costs which may be adjudged to him against the relator, the Judge or officer having jurisdiction as aforesaid shall grant an order or fiat for the service of a notice of motion in the nature of a *quo warranto* to be issued to try the matters contested. R. S. O. c. 184, s. 188.

Evidence to be used on return of writ may be taken *viva voce* by leave of judge etc.

189. The Judge of the High Court or officer aforesaid before whom the motion is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all the parties interested, and such Judge shall return the evidence to the Registrar at To-

ronto

ronto of the Division of the High Court to which the matter is assigned, and every party shall be entitled to a copy thereof. R. S. O. c. 184, s. 189.

When the relator claims the seat.

190. In case the relator alleges that he himself or some other person has been duly elected, the motion shall be to try the validity, both of the election complained of and the alleged election of the relator or other person. R.S.O. c. 184, s. 190.

When several elections complained of.

191. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one motion against such persons. R.S.O. c. 184, s. 191.

Where more motions than one all to be tried by the same judge.

192. Where more motions than one are made to try the validity of an election, or the right to a reeve or deputy-reeve or reeves as aforesaid all such motions shall be made returnable before the Judge who is to try the first, and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. R.S.O. c. 184. s. 192.

[*R. S. O. c. 184, s. 193, omitted as no longer applicable.*]

Service of notice of motion.

194. The notice of motion shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. R.S.O. c. 184, s. 194.

Returning officer or deputy returning officer may be made a party.

195. The Judge before whom the motion is made returnable, may, if he thinks proper, at any stage of the proceedings make an order adding the returning officer or any deputy-returning officer a party thereto. R.S.O. c. 184, s. 195.

The judge may allow certain persons to intervene and defend.

196. The Judge before whom the motion is returnable may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose ; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. R.S.O. c. 184, s. 196.

Mode of trial.

197. The Judge shall, in a summary manner, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy-reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury in any Court named by the Judge, or by one or more of these means, as he deems expedient ; subject, however to the provisions of section 212. R.S.O c. 184, s. 197.

198.

198. In case the election complained of is adjudged invalid, the Judge shall, by the judgment, order the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held. R.S.O. c. 184, s. 198.

If election invalid, judge shall remove person not duly elected, and admit person elected, or cause new election.

199. In case the election of all the members of a council is adjudged invalid, the order for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. R.S.O. c. 184, s. 199.

When writ for new election to go to the sheriff.

200. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the notice of motion, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of " (*as the case may be*), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

When defendant may disclaim.

"I, *A. B.*, upon whom a notice of motion, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the Township of , in the County of (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

Form of notice of disclaimer.

"Dated day of

(Signed) "*A. B.*"

R.S.O. c. 184, s. 200.

201. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of " (*as the case may be*), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

Defendant may disclaim, except in certain cases.

Mode of proceeding.

"I, *A. B.*, upon whom a writ of summons, in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the Township of , in the County of (*or as*

Form.

the

the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same.

"Dated day of

(Signed) "*A. B.*"

R.S.O. c. 184, s. 200.

Transmission of disclaimer.

202. The disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. R.S.O. c. 184, s. 201.

Person elected may disclaim at any time before his election is complained of.

203. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:

Form.

"I, *A. B.*, do hereby disclaim all right to the office of Township Councillor, (*or as the case may be*) for the Township of (*or as the case may be*), and all defence of any right I may have to the same."

R.S.O. c. 184, s. 202.

Disclaimer to operate as resignation.

204. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer, as the case may be. R.S.O. c. 184, s. 203.

Who to be deemed elected.

Duplicate disclaimer to be delivered to clerk.

205. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. R.S.O. c. 184, s. 204.

[*R. S. O. c. 184, s. 206, omitted from consolidation.*]

Costs against person disclaiming.

206. No costs shall be awarded against a person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. R.S.O. c. 184, s. 205.

Judgment to be final and to be returned to the court.

207. The Judge or officer having jurisdiction as aforesaid shall, immediately after his judgment, return the judgment, with all things had before him touching the same, to the registrar of the Division to which the matter is assigned, there to remain of record as a judgment of the High Court; and he shall, as occasion requires, enforce the judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. R.S.O. c. 184, s. 207.

Mode of enforcing judgment.

The judges to make rules, etc.

208. The Judges of the High Court, or a majority of them, may, by rules, settle the forms of the writs of *certiorari*, *mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge or officer aforesaid, and respecting the practice generally, in hearing and

determining

determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. R.S.O. c. 184, s. 208.

Division IX.—Prevention of Corrupt Practices.

Bribery and undue influence defined. *Secs.* 209, 210.
Certain payments lawful. *Sec.* 211.
Evidence to be viva voce. *Sec.* 212.
Effect of the conviction of candidate for bribery. *Sec.* 213.
Penalties. *Sec.* 214.
How penalties recoverable. *Sec.* 215.
Report and record of convictions. *Secs.* 216, 217.
Witnesses, how procured—Self-crimination or privilege not to excuse from giving evidence. *Secs.* 218, 219.
Proceedings, within what time to be taken. *Sec.* 220.
When penalties not recoverable. *Sec.* 221.
Publication of the law against corrupt practices. *Sec.* 222.

209. The following persons shall be deemed guilty of bribery, and shall be punished accordingly: Certain persons to be deemed guilty of bribery.

1. Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at such election, or upon such by-law; Giving money to voters, etc. Procuring office, etc., for voters.

2. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law; Or for persons influencing voters.

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in a municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law; Corruptly influencing voters.

4.

Advancing, etc., money for bribery, etc.

4. Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law;

Voter receiving money, etc., for vote, or agreeing for money to vote, etc.

5. Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law;

Receiving money, etc., after the election for voting, or inducing, etc., to vote.

6. Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law;

Hiring teams, etc.

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to or from any polls as aforesaid. R.S.O. c. 184, s. 209.

Undue influence and personation at elections.

210.—(1). Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, at any municipal election, or on account of such person having voted or refrained from voting thereat, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to give or to refrain from giving his vote at any municipal election, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of $100, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years.

Personation at elections.

(2) Every person who at any municipal election applies for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictitious person, or who having already voted at any such election improperly applies

applies at the same election for a ballot paper in his own name, or who advises or abets, counsels or procures any other person so to do, shall be deemed to have committed the offence of personation, and shall incur a penalty of $200, and in default of the payment of the penalty and costs, the offender shall be imprisoned in the common gaol for a period of sixty days, unless the penalty and costs be sooner paid. 54 V. c. 42, s. 8.

Expenses of candidates.

211. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R.S.O. c. 184, s. 211.

Evidence of corrupt practices on application in nature of *quo warranto* to be taken *viva voce*.

212. Where, in an application in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 209 or 210 of this Act affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the High Court or other officer having jurisdiction before whom the motion in the nature of a *quo warranto* is returnable for that purpose, or upon an appointment granted by him in cases pending in such County Court. R.S.O. c. 184, s. 212.

Penalty on candidates guilty of bribery, etc.

213. Any candidate elected at a municipal election, who is found guilty by the Judge, upon a trial upon an application in the nature of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. R.S.O. c. 184, s. 213.

Penalty for offences under s. 209.

214. Any person who is adjudged guilty of any offence within the meaning of section 209 of this Act, shall incur a penalty of $20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. R.S.O. c. 184, s. 214; 54 V. c. 42, s. 9.

Recovery penalties.

215. The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. R.S.O. c. 184, s. 215.

Judge to make return.

216. It shall be the duty of the Judge or officer who finds any candidate guilty of a contravention of section 209 or 210

of

of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. R.S.O. c. 184, s. 216.

Clerk to keep book shewing names of persons guilty of offences, etc.

217. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of section 209 or 210 of this Act, and of which he has been notified by the Judge who tried the case. R.S.O. c. 184, s. 217.

Attendance of witnesses.

218. Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpœna so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpœna. R.S.O. c. 184, s. 218.

Witnesses not excused from answering on grounds of self crimination or privilege.

219. No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge or officer, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge or officer gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge or officer. R.S.O. c. 184, s. 219.

Proviso.

Limitation of actions.

220. All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section 209 or 210 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon a by-law as aforesaid. R.S.O. c. 184, s. 220.

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

221. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted

such

such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. R.S.O. c. 184, s. 221. Proviso.

222. The clerk of every municipality shall, prior to any election, or voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 209 to 222 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. R.S.O. c. 184, s. 222. Copies of ss. 209-222 to be posted up prior to election.

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

Div. I.—When and where held.
Div. II.—Conduct of Business.

Div. I.—When and where held.

First and subsequent meetings. *Secs.* 223-230.
Remuneration of members. *Secs.* 231, 232.

223. The members of every municipal council (except county councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. R.S.O. c. 184, s. 223. First meeting of councils.

224. No business shall be proceeded with at the first meeting of the council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. R.S.O. c. 184, s. 224. No business before declarations of office, etc.

225. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. R.S.O. c. 184, s. 225. Election by county council of a warden.

Who to preside at election.

226. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. R.S.O. c. 184, s. 226.

Who to have the casting vote in the event of equality of votes.

227.—(1). In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy-reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote, and in the event of no one municipality having the greatest equalized assessment, in consequence of two or more municipalities being equalized equally, then the reeve, or, in his absence, the deputy-reeve, of the municipality having the greatest number of municipal voters entered on its last revised voters' list shall have such second or casting vote. R.S.O. c. 184, s. 227; 52 V. c. 36, s. 7.

(2) In counting the names of voters referred to in this section the name of the same person shall not be counted more than once, whether the name of such person appears upon the voters' lists only once or more than once. 52 V. c. 36, s. 8.

Place of first meeting.

228. The members of every county council shall hold their first meeting at the county hall if there is one, or otherwise at the county court house. R.S.O. c. 184, s. 228.

Place of subsequent meeting of county council, etc.

229. The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning, to be entered on the minutes, or by by-law, appoints. R.S.O. c. 184, s. 229.

Place of meeting may be in cities, etc.

230. The council of any county or township in which any city, town, or incorporated village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, town or incorporated village, and may purchase and hold such real property therein as may be convenient for such purposes. R.S.O. c. 184, s. 230.

Remuneration to councillors and committee-men limited.

231. The council of every township and county may pass by-laws for paying the members of the council for their attendance in council, or any member while attending on committee of the council, at a rate not exceeding $3 *per diem*, and five cents per mile necessarily travelled (to and from), for such attendance. R.S.O. c. 184, s. 231.

Remuneration of mayor, etc.

232. The head of the council of any county, city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine. R.S.O. c. 184, s. 232.

Division II.—Conduct of Business.

Ordinary meetings to be open to public. *Sec.* 233.
Quorum. *Secs.* 234, 235.
Who to preside. *Secs.* 236, 238-240.
Special meetings. *Secs.* 236-238.
Presiding officers may vote. *Sec.* 241.
Equality of votes negatives question. *Sec.* 241.
Power to adjourn. *Sec.* 242.

Ordinary meetings to be open.

233. Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. R.S.O. c. 184, s. 233.

Quorum.

234. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. R.S.O. c. 184, s. 234.

In councils of five, three must concur.

235. When a council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. R.S.O. c. 184, s. 235.

The heads of councils to preside. Special meetings.

236.—(1) The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council.

Summoning of special meetings in absence of the Mayor, etc.

(2) In the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council. R.S.O. c. 184, s. 236.

Special meeting, where to be held.

237. In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council, expressed by resolution in writing the public interest requires. R.S.O. c. 184, s. 237.

May be either open or closed.

When reeve or deputy reeve to preside.

238. In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy reeve, and in case of the death or absence of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting. R.S.O. c. 184, s. 238.

239.—(1)

Absence of head, etc., provided for.

239.—(1) In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one, and also of the deputy-reeve or deputy-reeves, if there be one or more, by leave of the council or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. R.S.O. c. 184, s. 239.

Person acting as mayor to act as police commissioner.

(2) In case of the illness or absence of the mayor, or of the office of mayor being vacant, the person appointed by the council under this section as presiding officer shall also have authority to act as a police commissioner during the time he acts as such presiding officer in the place of the mayor.

Casual absence provided for.

240. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. R.S.O. c. 184 s. 240.

Head may vote.

Question negatived in case of equality of votes.

241. The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. c. 184, s. 241.

Adjournment.

242. Every council may adjourn its meetings from time to time. R S O. c. 184, s. 242.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEAD.
DIV. II.—THE CLERK.
DIV. III.—THE TREASURER.
DIV. IV.—ASSESSORS AND COLLECTORS.
DIV. V.—AUDITORS AND AUDIT.
DIV. VI.—VALUATORS.
DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.
DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

DIVISION I.—THE HEAD.

Who to be. *Sec.* 243.
Duties. *Sec.* 244.

243.

243. The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. R.S.O. c. 184, s. 243. Who to be head of council.

244. The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R.S.O. c. 184, s. 244. Duties of head of council.

Division II.—The Clerk.

Appointment and duties of. *Sec.* 245.
Absence of. *Sec.* 246.
Records and papers may be inspected. *Sec.* 247.
Return of statistics. *Sec.* 248.

245. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. R.S.O. c. 184, s. 245. Appointment of clerk, and his duties.

246. The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead and the person so appointed shall, while he so acts, have all the powers of the clerk. R.S.O. c. 184, s. 246. Provision for absence, etc., of clerk.

247.—(1) Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk, at all seasonable times, and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates Minutes, etc., to be open to inspection. Copies to be furnished, and charges there for, etc.

the

as the council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal. R.S.O. c. 184, s. 247.

Documents certified by clerk to be receivable in evidence.

(2) A copy of any document in the possession of or under the control of the clerk of the municipality certified under his hand and under the corporate seal of the municipality may, after the original thereof has been produced from the proper custody, be filed in any court in lieu of such original and shall be received in evidence without proof of the seal of the corporation or of the signature or official character of the person appearing to have signed the same and without further proof thereof unless the court or judge otherwise directs.

Returns to be made to Bureau of Industries.

248.—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of $20 in case of default, make a return to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for.

Tabulated statement of returns to be made by secretary of Bureau.

(2) The secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the clerk of such municipality has not made the returns hereby required. R.S.O. c. 184, s. 248.

DIVISION III.—THE TREASURER.

His appointment, security, duties, etc. *Secs.* 249-252.
Powers of successor, when Treasurer is dismissed or absconds. *Sec.* 253.

Treasurer to be appointed.

To give security.

249. Every municipal council shall appoint a treasurer, who may be paid either by salary or by a percentage, and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council, in each and every year, to inquire into the sufficiency of the security given by such treasurer, and report thereon. R.S.O. c. 184, s. 249.

Annual inquiry as to sufficiency of.

250.—(1)

250.—(1) Every treasurer shall receive, and safely keep, all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province, and the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and the treasurer shall not be liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition is expressly made of such moneys by statute.

To receive and take care of and disburse moneys, etc.

His liability limited.

(2) In case of the death of a county treasurer the warden for the time being may, by warrant under his hand and seal, appoint a treasurer *pro tempore* for such special purpose or purposes as the warden may deem necessary, who shall hold office until the next meeting of the council, and all acts performed by him, authorized by said warrant, shall be as valid and binding as if performed by a treasurer regularly appointed: provided always that the warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit shall be made. R.S.O. c. 184, s. 250.

Appointment of treasurer, *pro tem.*

Proviso.

251. Every treasurer shall also prepare and submit to the council, half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, incorporated villages and townships which have passed by-laws requiring this to be done, the treasurer shall, on or before the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. R.S.O. c. 184, s. 251. *See secs.* 82, 489 (2).

Half-yearly statement of assets.

Annual list of persons in default for taxes.

252.—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of $20 in case of default, furnish to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for.

Returns to be made to Bureau of Industries.

(2) The secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every Session of the Legislature, report

Tabulated statement of returns to be made by secretary of Bureau.

report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. R.S.O. c. 184, s. 252.

Provision on dismissal from office.

253. In case any treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality. R.S.O. c. 184, s. 253.

DIVISION IV.—ASSESSORS AND COLLECTORS.

(*See also* R. S. O. Cap. 193, ss. 12, 13.)

Appointment of. Secs. 254, 255.
Assessment Commissioner—Board of Assessors. Sec. 255.
Township Collectors to act for Provisional Corporations—Disposal of moneys. Secs. 256, 257.

Assessors and collectors, appointment of.

254.—(1) The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council.

(2) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision.

(3) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year, upon oath, to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. R.S.O. c. 184, s. 254.

In cities and towns, assessment commissioner may be appointed instead of such assessors, etc.

255. In cities and towns, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valuators as may be necessary, and such commissioner, assessors, and valuators shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors

appointed

appointed under the last preceding section; and the council shall also have power, by by-law, to determine the number of collectors to be appointed, and prescribe their duties, and any commissioner, assessor or collector to be appointed by any city need not be appointed annually, but shall hold office at the pleasure of the council; and all notices, in other municipalities required to be given to the clerk of the municipality in matters relative to assessment shall in such city be given to the assessment commissioner. R.S.O. c. 184, s. 255; 52 V. c 36, s. 9.

Tenure of office of commissioner, assessors, etc.

256. The collectors of the several townships in a junior county of a union of counties shall, *ex officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. R.S.O. c. 184, s. 256.

Collectors for provisional council.

Payments.

257. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. R.S.O. c. 184, s. 257.

Moneys, how to be disposed of.

Division V.—Auditors and Audit.

Appointment and duties. Secs. 258-264.
Publication of abstract and statement of receipts and expenditure. Sec. 265.
Council to finally audit. Sec. 266.
County Council to regulate and audit County moneys Sec. 267.
Audit, how often to be made. Sec. 268.
Special provisions relating to Toronto. Sec. 259.

258.—(1) Subject to the provisions of the next two sections as to cities, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. And in the event of an auditor so appointed to audit the accounts of the county refusing, or being unable to act, then the head of the council shall nominate another person to act in his stead. R.S.O. c. 184, s. 258.

Auditors.

Disqualification for office of.

(2)

(2) The person so to be appointed by the head of the council shall not be a person in his employment. 53 V. c. 50, s. 6.

Appointment of auditors for Toronto.

259.—(1) The council of the corporation of the city of Toronto shall appoint two auditors, who shall hold office during pleasure.

Report of auditors.

(2) The treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit this abstract with the treasurer's books, and shall make a report on all accounts audited by them, and a special report as to any expenditure made contrary to law; and on or before the first day of May shall transmit one copy of the said abstract with their report thereon to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any individual or ratepayer of the municipality may inspect the same, at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. 52 V. c. 36, s. 10.

Time for appointment of auditors in cities.

260.—(1) The council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors.

Application of existing laws as to appointment of auditors.

(2) Notwithstanding this section, or any such by-law, the provisions of section 258 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. R.S.O. c. 184, s. 260.

Duty of auditors.

261. The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction. R.S.O. c. 184, s. 261.

Filling Vacancies.

262. The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. R.S.O. c. 184, s. 262.

Duties of auditors.

263.—(1) The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter

under

under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. R.S.O. c. 184, s. 263 (1).

To prepare abstract and detailed statement of receipts and expenditure, etc.

(2) The auditors shall prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also a detailed statement of the same in such form as the council directs. They shall make a report on all accounts audited by them, and a special report of any expenditure made contrary to law. The auditors shall transmit one copy of the abstract and detailed statement in such form as they have been submitted to the council, to the secretary of the Bureau of Industries, Toronto, and shall file the other, together with the detailed statement and reports in the office of the clerk of the council within one month after their appointment; and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours, and may by himself or his agent at his own expense take a copy thereof or extracts therefrom. R.S.O. c. 184, s. 263 (2); 52 V. c. 36, s. 11.

(*a*). They shall also make a report upon the condition and value of the securities given by the treasurer for the due performance of the duties of his office, and such report shall show what cash balance, if any, was due from the treasurer to the municipality at the date of the audit, and where such balance is deposited, and what security exists that the same will be available when required for the purposes of the municipality; but this shall not relieve the council from the performance of any duty imposed thereon by section 249.

(*b*). The auditors may make a written requisition upon the treasurer for an order or request to or upon any bank or company with whom the public moneys are or have been deposited, or with whom such treasurer has kept an account, authorizing and requesting such bank or company to exhibit the account and the details thereof to such auditors, and such treasurer shall within twenty-four hours after the delivery to him of such requisition comply therewith upon pain of forfeiture of office.

(*c*). It shall be the duty of the treasurer of every municipal corporation to keep the moneys of the municipality separate as far as practicable from his own moneys, and in depositing any money of the municipality in any bank or company to deposit the same to a separate account kept in his name as treasurer or under some other designation that may show the account to be an account of the money of the municipality.

(3)

Publication of statements of assets and liabilities.

(3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. A similar statement in detail shall be attached thereto respecting the last fifteen days of the preceding year. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality, as the council may direct.

(*a*) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein.

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first requested him to do so, one of such copies not later than the twenty-fourth day of December in each year and shall also see that copies of the said statement are produced at the nomination. 51 V. c. 28, s. 13

(5) The provisions of the preceding two sub-sections shall not apply to the township municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, or Haliburton. 51 V. c. 28, s 14.

Accounts may be audited before payment.

264. The council of any city may, by by-law, provide that the auditors shall audit all accounts before payment. R.S.O. c. 184, s. 264.

Clerks to publish abstracts and statements.

265. The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs, and in case of a minor municipality the clerk shall transmit to the clerk of the county council a copy of such abstract and statement, and the same shall be kept by the clerk of the county council as a record of his office. R.S.O. c. 184, s. 265.

The council to audit finally, etc.

266. The council shall, upon the report of the auditors finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. R.S O. c. 184, s. 266.

267. Unless otherwise provided, every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. R.S.O. c. 184, s. 267. Audit of moneys to be paid by county Treasurer.

268. In cities and towns, the council may also appoint an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation, in conformity with any regulation or by-law of the council; and in other municipalities the auditors shall also, monthly or quarterly, if directed by by-law, examine into and audit the accounts of the corporation. R.S.O c. 184, s. 268. Audit of accounts in cities and towns. In other municipalities.

Division VI.—Valuators.

Appointment and Duties. Sec. 269.

269.—(1) The council of every county may appoint two or more valuators for the purpose of valuing the real property within the county, whose duty it shall be to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but the valuators shall not exceed the powers possessed by assessors; and the valuation so made shall be made the basis of equalization of the real property by the county council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. R.S.O. c. 184, s. 269. County council may appoint valuators, their duties, etc Equalization of real property.

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further, and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period.

Division VII.—Duties of Officers Respecting Oaths and Declarations.

Declarations of office and qualification. Secs. 270-272.
Before whom made. Sec. 273.
Certificate of declaration. Sec. 273.
Persons to administer oaths and declarations. Sec. 274.
Record and deposit of. Sec. 275.
Oaths respecting matter before Council. Sec. 276.
Penalty for refusing office, or not making, or refusing to administer declarations. Sec. 277.

270.—(1) Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following: Declaration of office by certain officers.

I,

Declaration of qualification,

I, *A. B.*, do solemnly declare that I am a natural born (*or* naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (*or* have and had in right of my wife, *as the case may be*), as proprietor (*or* tenant, *as the case may be*), at the time of my election (*or* appointment, *as the case may require*) to the office of hereinafter referred to, such an estate as

Form of.

does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*), and that such estate is (*the nature of the estate to be specified, as* an equitable estate of leasehold *or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*) and that such estate at the time of my election (*or* appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same.

(2) Where any person has been elected as reeve, deputy-reeve, or councillor of any township council he may, instead of the foregoing declaration, make and subscribe a solemn declaration to the effect following:

I, *A. B.*, do solemnly declare that I am a natural born (*or* naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (*or* have and had in right of my wife, *as the case may be*) as proprietor at the time of my election to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected*), and that such estate is (*the nature of the estate to be specified and the land to be designated by its local description*) and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (*naming it*) at an amount not less than $2,000.

R.S.O. c. 184, s. 270.

Declaration of office to be made by certain officers.

271. Every member of a municipal council, every mayor and every clerk, treasurer, assessor and collector, engineer or clerk of works and street overseer or commissioner appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:—

Form of declaration of office.

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or* appointed) in this Township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation (*where declaration is made by the clerk, treasurer, assessor, collector, engineer, clerk of works or street overseer, the words following*:) 'save and except that arising out of my office or position as clerk (*or as the case may be*).'

51 V. c. 28, s. 15, *part*.

Declaration of returning officers and others.

271*a*. Every returning officer, deputy returning officer, poll clerk, constable and other appointed officer by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following:—

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or* appointed) in this township (*or as the case may be*), and that I have not

received

received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office.

51 V. c. 28, s. 15, *part*.

272. The solemn declaration to be made by every auditor shall be as follows: Auditor's declaration.

I, *A. B.*, having been appointed to the office of Auditor for the Municipal Corporation of , do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, *if reappointed*) with, by, or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment except, that of auditor, for the present year. Form of.

R.S.O. c. 184, s. 272.

273. The head and other members of the council, and the subordinate officers of every municipality, shall make the declaration of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of the municipality; and the Court, Judge, or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. R.S.O. c. 184, s. 273. Before whom declaration to be made. Certificate of declaration

274. The head of any council, any alderman, reeve or deputy-reeve, any Justice of the Peace or clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. R.S.O. c. 184, s. 274. Certain officers may administer certain oaths etc., within municipality.

275. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. R.S.O. c. 184, s. 275. Oath, affirmation or declaration to be subscribed and deposited with clerk of municipality.

276. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. R.S.O. c. 184, s. 276. Head of council may administer certain oaths, etc.

277. Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy-reeve, councillor, police trustee, assessor or collector of or in any municipality, who Penalty for refusing to accept office or administer declaration, etc.

refuses

refuses such office, or does not within twenty days after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer such declaration, who, upon reasonable demand, refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than $80, nor less than $8, at the discretion of the Justices, to the use of the municipality, together with the cost of prosecution. R.S.O. c. 184, s. 277.

DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY

Appointment and remuneration of officers. *Sec.* 278.
Tenure of office and duties. *Sec.* 279.
Gratuities to retiring officers. *Sec.* 280.
Security to be given by officers. *Sec.* 281.

Salaries of officers.

278.—(1) In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

Remuneration of clerks for services performed under Rev. Stat. c. 220.

(1*a*) It shall also be the duty of the council to give a fair and reasonable remuneration to the clerk of the municipality for services and duties performed by him in carrying out the provisions of *The Ditches and Water Courses Act*, the same to be fixed by by-law of the council.

Remuneration of clerks for copying documents, etc. Rev. Stat. c. 220.

(1*b*) The council shall also fix by by-law the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk other than services which it is his duty to perform under the provisions of *The Ditches and Water Courses Act*.

Mode of appointment.

(2) No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration.

When municipality employing solicitor at a salary may recover costs.

(3) Where a solicitor or counsel, is employed by a municipality, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel, was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. R.S.O. c. 184, s. 278.

Tenure of office.

279. All officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. R.S.O. c. 184, s. 279.

Duties.

A gratuity may be given in certain cases.

280. Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. R.S.O. c. 184, s. 280.

Corporations, etc., may accept security of certain companies for their officers.

281. The bonds or policies of guarantee of any incorporated or joint stock company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of a municipal corporation, in all cases where, by the provisions of this or any other Act, or of any by-law of such corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in such Act relating to such security, to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. R.S.O. c. 184, s. 281.

Provisions respecting such security to apply.

Existing bonds may be cancelled.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.
II.—RESPECTING BY-LAWS.
III.—RESPECTING FINANCE.
IV.—ARBITRATIONS.
V.—DEBENTURES AND OTHER INSTRUMENTS.
VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT.

Confined to Municipality—How exercised. *Sec.* 282.
General Powers. *Secs.* 283, 284.
Traders' license fees. *Sec.* 285.
May not grant monopolies—except as to Ferries. *Secs.* 286, 287.

Jurisdiction of councils.

282. The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given; and the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. R.S.O. c. 184, s. 282.

General power to make regulations;

To repeal, alter, etc., by-laws.

283. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. R.S.O. c. 184, s. 283.

Council a continuing body.

284. A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a council, every council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or have been under consideration by the council, either in the then next preceding year or subsequent or prior thereto, and it shall not be necessary to begin *de novo* with any by-law, proceeding, report, matter or thing entertained by the council in such preceding year, or subsequent or prior thereto, as aforesaid. R.S.O. c. 184, s. 284.

Traders' license fees.

285. In all cases where, under the provisions of this Act, or of any other Act, any council or the board of commissioners of police, in any city, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the council and the board of commissioners of police, respectively, shall have the power to pass by-laws for fixing the sum to be paid for such license, for exercising any such trade, calling, business, or profession, in the municipality, and enforcing the payment of the license fee, and determining the time the license shall be in force. R.S.O. c. 184, s. 285.

286. No council shall have the power to give any person an exclusive right of exercising, within the municipality, any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding $1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. R.S.O. c. 184, s. 286. Granting monopolies prohibited. Proviso.

287. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. R.S.O. c. 184, s. 287. *See* B. N. A. Act, 1867, s. 91, (13); R. S. O. c. 117; *and sec.* 495 (4), *post.* Privileges of ferry. Exception as to certain ferries.

TITLE II.—RESPECTING BY-LAWS.

Div. I.—Authentication of By-laws.
Div. II.—Objections by Ratepayers.
Div. III.—Voting on by Electors.
Div. IV.—Confirmation of By-laws.
Div. V.—Quashing By-laws.
Div. VI.—By-laws creating Debts.
Div. VII.—By-laws respecting Yearly Rates.
Div. VIII.—Anticipatory Appropriations.

Division I.—Authentication of By-laws.

Original. *Sec.* 288.
Evidence of. *Sec.* 289.
Proof of facts for Lieutenant-Governor. *Sec.* 290.

288. Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. R.S.O. c. 184, s. 288. How by-laws to be authenticated.

289. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. R.S.O. c. 184, s. 289. Evidence of.

290.

By-laws requiring assent of the Lieutenant-Governor.

290. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the treasurer and clerk thereof, and by such other person, and on such other evidence, as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of such municipal officer, upon the declaration of any other member of the council, whose declaration the Lieutenant-Governor in Council may accept. RSO. c.184, s.290

DIVISION II.—OBJECTIONS BY RATEPAYERS.

When and how made. *Sec.* 291.
When Council shall act on objections. *Sec.* 292.

Opposition to by-laws.

291. In case a person rated on the assessment roll of a municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or solicitor, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number, nor represent the amount of property, necessary to the passing of the by-law. R.S.O. c. 184, s. 291.

How to be made.

When by-laws shall not pass.

292. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons, whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. R.S.O. c. 184, s. 292.

Division III.—Voting on by Electors.

Proceedings preliminary to the Poll. *Secs.* 293-304.
The Poll. *Secs.* 305-319.
Who to Vote. *Secs.* 308, 309
Freeholders. *Sec.* 308.
Leaseholders. *Sec.* 309.
Oath of Freeholder. *Sec.* 310.
Oath of Leaseholder. *Secs.* 311, 312.
Proceedings after close of Poll. *Secs.* 313-319.
Requisites of certain bonus by-laws. *Sec.* 320.
Secrecy of proceedings. *Secs.* 321, 322.
Scrutiny. *Secs.* 323-326.
Passing by-laws by Council. *Secs.* 327, 328.

293. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for: If a by-law requires the assent of the electors, mode of obtaining same.

1. The council shall, by the by-law, fix the day and hour for taking the votes of the electors, and such places in the municipality as the council shall, in their discretion, deem best for the purpose, and where the votes are to be taken at more than one place, shall name a deputy-returning officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five, weeks after the first publication of the proposed by-law. Time and place of voting to be fixed by the by-law.

2. The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and the council shall put up a copy of the by-law at four or more of the most public places in the municipality. Publication of by-law.

3. Appended to the copy so published and posted shall be a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will he held. R.S.O. c. 184, s. 293. Notice.

294. Forthwith after the day has been fixed as aforesaid, for taking the votes of electors with respect to the by-law, the clerk of the municipal council which proposed the by-law, Ballot papers to be printed.

shall

shall cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. R.S.O. c. 184, s. 294.

Form of.

295. The ballot papers shall be according to the form of Schedule J to this Act. R.S.O. c. 184, s. 295.

Council to fix a day for appointment of persons to attend at polling places, and for summing up votes.

296. The council shall, by the by-law, fix a time when, and a place where, the clerk of the council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of the by-law respectively. R.S.O. c. 184, s. 296.

Selection of agents.

297. At the time and place named, the head of the municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. R.S.O. c. 184, s. 297.

Agent to make declaration.

298. Before any person is so appointed he shall make and subscribe, before the head of the municipality, a declaration in the form of Schedule K to this Act, that he is interested in, and desirous of promoting, or opposing (as the case may be), the passing of the by-law. R.S.O. c. 184, s. 298.

Admission of agents to polling place, etc.

299. Every person so appointed, before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the deputy-returning officer, or clerk of the municipality, as the case may be, his written appointment. R.S.O. c. 184, s. 299.

Appointment in absence of agent.

300. In the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing, before the deputy-returning officer at the polling place, or the clerk of the municipality, a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent R.S.O. c. 184, s. 300.

Exclusion from polling place.

301. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, clerks and persons or electors authorized to attend as aforesaid at the polling place. R.S.O. c. 184, s. 301.

Deputy-returning officers, poll clerks, and agents may vote at polling place where they are employed,

302.—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as the person to attend at a polling place, other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy-returning officer, poll clerk, or person is entitled to vote for or against the by-law, at the polling place where such elector is stationed during the polling day, and the certificate shall also state the property or other qualification in respect to which he is entitled to vote.

on certificate from the clerk of the municipality.

(2) On the production of the certificate, the deputy-returning officer, poll clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the ward, or polling subdivision where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place, unless he has been actually engaged as deputy-returning officer, poll clerk or person during the day of polling.

Who to administer oath in such case.

(3) In case of a deputy-returning officer voting at the polling place at which he is appointed to act, the poll clerk, or in the absence of the poll clerk, any one authorized to be present at the polling place, may administer to the deputy-returning officer the oath required to be taken of voters qualified to vote on the by-law. R.S.O. c. 184, s. 302.

Who to conduct the poll in municipalities divided into wards.

303. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every ward or polling subdivision, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled, under the provisions of sections 308 and 309 of this Act, to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. R.S.O. c. 184, s. 303.

In municipalities not divided into wards.

304. In the case of municipalities which are not divided into wards or polling subdivisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the municipality similar to the list mentioned in the preceding section; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. R.S.O. c. 184, s. 304.

305.

The Poll.

Voting to be by ballot.

305. At the day and hour fixed as aforesaid, a poll shall be held and the vote shall be taken by ballot. R.S.O. c. 184, s. 305.

Proceedings to be as at municipal elections.

306. The proceedings at the poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 120 to 176 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at the poll, and to all matters incidental thereto. R.S.O. c. 184, s. 306.

Form of directions for guidance to voters.

307. The printed directions to be delivered to the deputy-returning officers shall be in the form of Schedule L to this Act. R.S.O. c. 184, s. 307.

Freeholders who may vote on by-laws.

308.—(1) Every ratepayer, being a man, unmarried woman or widow, shall be entitled to vote on any by-law requiring the assent of the electors, who, at the time of tender of the vote, is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder, in his own right, or whose wife is a freeholder of real property within such municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, provided such person is named or purported to be named in the voters' list of electors.

In case of new municipality where there has been no assessment roll.

(2) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote, unless he possesses the other qualifications above mentioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the deputy-returning officer; and the deputy-returning officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. R.S.O. c. 184, s. 308.

Leaseholders who may vote on by-laws.

309.—(1) Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who is a man, unmarried woman or widow, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in

expectation

expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list.

Leaseholders who may vote on local improvement by-laws.

(2) The said provisions as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply to a by-law respecting local improvements, under section 625 of this Act.

In case of new municipality where there has been no assessment roll.

(3) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names the property to the deputy-returning officer; and the deputy-returning officer shall note the property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. R.S.O. c. 184, s. 309.

Where ratepayer qualified in more than one ward.

309*a*. Where a municipality is divided into wards, such ratepayer shall be so entitled to vote in each ward in which he has the qualification to entitle him to vote on such by-laws.

Oath of freeholder voting on by-law.

310. Any ratepayer offering to vote in respect of a freehold on such by-law, may be required by the deputy-returning officer, or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:

You swear that you are of the full age of 21 years, and a natural born (*or* naturalized) subject of Her Majesty;

That you are a freeholder in your own right (*or* your wife is a freeholder), within the Municipality (*or* ward *as the case may be*) for which this vote is taken;

That you have not voted before on the by-law in this Township (*or* Ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law in the ward for which this vote is taken;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That

That you are the person named, or purporting to be named, in the voters' list of electors;

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow *as the case may be*;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or refrain from voting ;

(*In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name, in the oath, the property in respect of which he claims to vote ;*)

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. R.S.O. c. 184, s. 310.

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 625.

311. Any ratepayer offering to vote in respect of a leasehold, on such by-law, other than a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :

You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;

That you are (*or* your wife is), a leaseholder within this Municipality (*or* ward *as the case may be*) and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (*or* the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (*or* Ward, *as the case may be*) ;

That you are, according to law, entitled to vote on the said by-law in the ward for which this vote is taken ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(*In the case of an unmarried woman or widow claiming to vote*). That you are unmarried (*or* a widow *as the case may be*;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting;

(*In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality*) ;

And

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. R.S.O. c. 184, s. 311.

Oath of leaseholder voting on by-law respecting local improvements under section 625

312. A ratepayer offering to vote in respect of a leasehold, on a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on the by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded;

You swear that you are of the full age of 21 years, and a natural born (*or* naturalized) subject of Her Majesty;

That you have been a resident within the Municipality for which this vote is taken, for one month next before the vote;

That you are (*or* your wife is) a leaseholder within this Municipality, (*or* ward *as the case may be*) and that you have (*or* the lessee in said lease has) covenanted in such lease to pay all municipal taxes;

That you have not before voted on the by-law in this Township (*or* Ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law in the ward for which this vote is taken;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, or purporting to be named, in the voters' list;

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow *as the case may be*;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting;

(*In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality*);

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. R.S.O. c. 184, s. 312.

Form of statement to be made by deputy returning officers of result of the polling.

313. The written statement to be made by every deputy-returning officer at the close of the polling shall be made under the following heads:

(*a*) Name or number of ward or polling subdivision, and of the municipality, and the date of the polling;

(*b*) Number of votes for and against the by-law;

(*c*) Rejected ballot papers. R.S.O. c. 184, s. 313.

Objections to ballot papers.

314. The deputy-returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any

question

To be numbered.

question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer. R.S.O. c. 184, s. 314.

Deputy returning officer's duties after votes are counted.

315. Every deputy-returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality—

(*a*) The statement of votes given for and against the by-law, and of the rejected ballot papers;

(*b*) The used ballot papers which have not been objected to and have been counted;

(*c*) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;

(*d*) The rejected ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The unused ballot papers;

(*g*) The voters' list, with the oath in the form of Schedule G annexed thereto; a statement of the number of voters whose votes are marked by the deputy-returning officer, under the heads "Physical incapacity" and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box. R.S.O. c. 184, s. 315.

Certificate and declaration of deputy returning officer and return of voters' list and of ballot box.

316. Every deputy-returning officer shall, at the close of the poll, certify, under his signature, on the voters' list, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid, make and subscribe before the clerk of the municipality, a Justice of the Peace or the poll clerk, his solemn declaration that the voters' list was used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list: he shall also forthwith return the ballot box to the clerk of the municipality. R.S.O. c. 184, s. 316.

317.

317. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. R.S.O. c. 184, s. 317.

Deputy returning officer to certify as to number of votes and rejected ballot papers.

318. The clerk, after he has received the ballot papers and statements before mentioned, of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the council under his hand, whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. R.S.O. c. 184, s. 318.

Clerk to cast up votes and declare result.

319. Where the assent of the electors, or of the ratepapers or a proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote. R.S.O. c. 184, s. 319.

Clerk not to have casting vote as to certain by-laws.

Requisites of Bonus By-laws.

320.—(1) To render valid a by-law of a municipality for granting a bonus in aid of a railway or in aid of any water works or water company, or for taking stock in a railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by such company, the assent shall be necessary of one-third of all ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

Requisites to validity of certain bonus by-laws.

(2) In addition to the certificate required by section 318 of this Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be one-third of all the voters who were entitled to vote on the by-law.

Certificate be given by clerk.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the Judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. R.S.O. c. 184, s. 320, 53 V. c. 50, ss. 7-8.

Secrecy

Secrecy of Proceedings.

Maintaining secrecy of proceedings at polling.

321.—(1) Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Voter not to be interfered with.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to the manner in which any voter at such polling place is about to vote or has voted.

No information to be given as to how any one voted.

(3) No officer, clerk, or other person shall communicate at any time, to any person, any information obtained at a polling place, as to the manner in which any voter at such polling place is about to vote or has voted.

Secrecy to be maintained at counting.

(4) Every officer, clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting, as to the manner in which any vote is given in any particular ballot paper.

Voters not to be induced to disclose votes.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote.

Penalty for contravening this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R.S.O. c. 184, s. 321.

Statutory declaration of secrecy to be made by officers, etc., before a poll.

322. The clerk of the municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, or the clerk of the municipality, or a deputy-returning officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. R.S.O. c. 184, s. 322.

Scrutiny.

Scrutiny may be had on application to County Judge.

323. If within two weeks after the clerk of the council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge after giving such notice of the application, and to such persons as the Judge directs, and shews by affidavit to the Judge reason-

able

able grounds for entering into a scrutiny of the ballot papers and the petitioner enters into a recognizance before the Judge in the sum of $100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of $50 each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place, within the municipality, for entering into the scrutiny. R.S.O. c. 184, s. 323.

Notice of time of scrutiny.

324. At least one week's notice of the day appointed for the scrutiny, shall be given by the petitioner to such persons as the Judge directs, and to the clerk of the municipality. R.S.O. c. 184, s. 324.

Proceedings.

325. On the day and at the hour appointed, the clerk shall attend before the Judge with the ballot papers in his custody, and the Judge upon inspecting the ballot papers, and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given, is for or against the by-law, and shall forthwith certify the result to the council. R.S.O. c. 184, s. 325.

Powers of Judge.

Costs.

326. The Judge shall on the scrutiny possess the like powers and authority, as to all matters arising upon the scrutiny, as are possessed by him upon a trial of the validity of the election of a member of a municipal council; and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. R.S.O. c. 184, s. 326.

Passing by-laws by Council.

By-law carried by voters to be passed by council.

327. A by-law which is duly carried by the vote of the qualified electors, shall within six weeks thereafter be passed by the council. R.S.O. c. 184, s. 327.

The passing of the by-law stayed on presenting of a petition.

328. In case of a petition being presented, the by-law shall not be passed by the council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. R.S.O. c. 184, s. 328.

DIVISION IV.—CONFIRMATION OF BY-LAWS.

By publication. *Sec.* 329.
Notice. *Sec.* 330.
When not moved against. *Sec.* 331.

329.

Promulgation of by-laws.

329. Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper, published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks. R.S.O. c. 184, s. 329.

Form of notice to be published with by-law.

330. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following:

NOTICE,—The above is a true copy of a by-law passed by the municipal council of the of on the day of A. D. 18 and approved by His Honour the Lieutenant-Governor in Council, on the day of A. D. 18 *(where such approval is required to give effect to the by-law)*: And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court at Toronto, within three months next after the publication of this notice, once a week for three successive weeks, in the newspaper called the or he will be too late to be heard in that behalf.

R.S.O. c. 184, s. 330,

If not moved against within the time limited, to be valid.

331. In case no application to quash a by-law is made within three months next after the third publication thereof and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. R.S.O. c. 184, s. 331.

DIVISION V.—QUASHING BY-LAWS.

How to proceed. Sec. 332.
Time limited for applications. Secs. 333, 334.
Motion against for corrupt practices. Secs. 335, 336.
Staying proceedings upon the by-law. Sec. 337.
Liability of Municipality for acts under illegal by-law. Sec. 338.
Tender of amends. Sec. 339.

Proceedings to quash by-law.

332—(1) Any resident of a municipality or any other person interested in a by-law, order or resolution of the council thereof, may by motion apply to the High Court to quash the

by-law,

by-law, order or resolution, in whole or in part for illegality, and the Court may upon such motion, quash the by-law, order or resolution accordingly in whole or in part for illegality, and may according to the result of the application, award costs for or against the corporation.

(2) The notice of such motion shall be served at least seven days before the day on which the motion is to be made.

(3) The by-law, order or resolution, may upon such motion be proved by the production of a copy of the by-law, order or resolution, certified under the hand of the clerk, and under the corporate seal and shewn by affidavit to have been received from the clerk: Provided, however, that before any such motion is made or entertained the applicant shall enter into a recognizance before the Judge of the County Court of the county in which the municipality whose by-law is the subject of the notice is situate himself in the sum of $50, and two other sureties each in the sum of $50, conditioned to prosecute the motion with effect. The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the High Court with the other papers relating to the motion.

Time within which application must be made. Exception.

333. No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when the by-law has not been submitted to, or has not received the assent of, the electors or ratepayers, and in such case an application to quash the by-law may be made at any time. R.S.O. c. 184, s. 333

Time after which by-law imposing a rate cannot be quashed, if promulgated.

334. In case a by-law, by which a rate is imposed, has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. R.S.O. c. 184, s. 334.

Quashing by-laws obtained by bribery, etc.

335. Any by-law the passage of which has been procured through, or by means of, any violation of the provisions of sections 209 and 210 of this Act shall be liable to be quashed upon an application to be made in conformity with the provisions hereinbefore contained. R.S.O. c. 184, s. 335.

Procedure in such case.

336.—(1) Before determining an application for the quashing of a by-law, upon the ground that any of the provisions of the said sections 209 and 210 of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the High Court that probable grounds exist for a motion to quash the by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the

Inquiry by County Judge.

said grounds, before the Judge of the County Court of the county in which the municipality which passed the by-law is situate, and require that upon the inquiry all witnesses, both against and in support of the by-law, be orally examined and cross-examined upon oath before the County Court Judge.

Return of evidence.

Judgment.

(2) The County Court Judge shall thereupon return the evidence so taken before him, to one of the Registrars of the High Court at Toronto; and after the return of the evidence, and upon reading the same, a Judge of the High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established, he may make an order for quashing the by-law, and he may order the costs attending the proceedings to be paid by the parties or any of them who have supported the by-law; and if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash the by-law. R.S.O. c. 184, s. 336.

Costs.

Stay of proceedings on the by-law.

337. After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the clerk of the corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. R.S.O. c. 184, s. 337.

Municipality to be liable for acts done under illegal by-law.

338. In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring the action, has been given to the corporation, and every such action, shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R.S.O. c. 184, s. 338.

Notice of action.

Tender of amends

339. In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. R.S.O c. 184, s. 339. *See sec.* 430.

Division VI.—By-Laws Creating Debts.

Requisite formalities. *Secs.* 340-342.
Principal may be repayable by annual instalments. *Sec.* 342.
Special rates a charge on property. *Sec.* 343.
Assent of electors, when required. *Sec.* 344.
When special Council meeting requisite. *Sec.* 345.
When repealable and when not. *Secs.* 346, 347.
Illegal repeal to be ignored by Municipal Officers. *Sec.* 348.
Purchase of Public Works, etc., by Councils. *Sec.* 349.
Rates to be imposed therefor. *Sec.* 350.
Registration of By-laws. *Secs.* 351-356.

340. Every municipal council may, under the formalities required by law, pass by-laws for contracting debts, by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act: By-laws for contracting debts.

1. The by-law, if not creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the by-law is to take effect; and if no day is named shall take effect on the day of the passing thereof; R.S.O. c. 184, s. 340 (1). To state when to take effect.

2. If not contracted for railways, harbor works or improvements, gas or water-works, or for the purpose of public works, according to the statutes relating thereto, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the whole debt and the obligations to be issued therefor shall be made payable at twenty years at furthest, from the date on which such by-law takes effect; and if a debt is contracted for railways, harbor works or improvements, gas or water-works, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the same shall, in like manner, be paid in thirty years at furthest from the date on which the by-law takes effect; 53 V. c. 50, s. 9; 54 V. c. 42, s. 10. Time for payment of certain debts by municipality.

3. The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures; also, a certain specific sum to be raised annually for the payment of the debt; such sum to be such as will be sufficient with the estimated interest on the investments thereof, to discharge the debt when payable; Yearly rate.

4. In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly; Interest on investments how estimated.

5.

Property on which rate to be levied.

5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage as the case may be;

Recitals:

6. The by-law, unless it is for a work payable by local assessment, shall recite:

Amount and object of debt;

(*a*) The amount of the debt which the new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually;

(*b*) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest;

The value of the ratable property;

(*c*) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment roll;

Amount of existing debt.

(*d*) The amount of the existing debenture debt of the municipality, and how much (if any), of the principal or interest is in arrear. R.S.O. c.184, s.340 (3-6).

By-law for a work payable by local assessment must recite:

341.—(1) If the by-law is for a work payable by local assessment, it shall recite:

Amount and object of debt.

(*a*) The amount of the debt which the by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually;

(*b*) The total amount, required by this Act to be raised annually by special rate for paying the debt and interest under the by-law;

Value of real property ratable:

(*c*) The value of the whole real property ratable under the by-law, as ascertained and finally determined as aforesaid;

That debt created on security of special rate.

(*d*) That the debt is created on the security of the special rate settled by the by-law, and on that security only.

Power to guarantee local improvement debentures.

(2) In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, the council of any township, city, town, or incorporated village, may declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in sub-section (*d*) of this section to the contrary notwithstanding. R.S.O. c. 184, s. 341.

Municipal council may make principal repayable by equal annual instalments.

342.—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion, make the principal of the debt

repayable

repayable by annual instalments, during the currency of the period (not exceeding thirty years, if the debt is for railways, harbor works or improvements, gas or water-works or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, and not exceeding twenty years if the debt is for any other purpose except public works constructed under statutes relating thereto), within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the municipal corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in the by-law. R.S.O. c. 184, s. 342 (1); 52 V. c. 36, s. 13.

What by-law shall set out.

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for sinking fund. R.S.O. c. 184, s. 342 (2).

Special rates a charge on property.

343. Every special assessment made, and every special rate imposed and levied, under any of the provisions of this Act, and all sewer rents and charges for work or services done by the corporation, on default of the owners of real estate, under the provisions of any valid by-law of the council of the said corporation, shall form a lien and charge upon the real estate upon, or in respect of which, the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of *The Assessment Act*. R.S.O. c. 184, s. 343.

Rev. Stat. c. 193.

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors.

344.—(1) Every by-law (except for drainage, as provided for under section 569 of this Act, or for a work payable entirely by local assessment) for raising, upon the credit of the municipality, any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act; except that in counties the county council may raise, by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums not exceeding in any one year $20,000 over and above the sums required for its ordinary expenditure.

Exception as to by-laws for contracting extra debts not exceeding in any year $20,000.

(2)

Exception as to erecting court houses and offices.

(2) Provided always, that where a county and city are united for judicial purposes the council of the county or city may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such county or city, as the case may be, for contracting such debt, raise such sums of money as may be required for erecting, building and furnishing a court house and offices, to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such court house and offices.

Exception as to payment by a city or town of share of county debt.

(3) And provided always that the council of a town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of a city heretofore or hereafter erected, may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done, or be entitled to do for meeting any other liability of said town or city as the case may be. R.S.O. c. 184, s. 344.

Certain by-laws of county council not to be valid unless passed at meeting specially called and held three months after notice, etc.

345. No such by-law of a county council for contracting any such debt or loan for an amount not exceeding in any one year $20,000 over and above the sums required for its ordinary expenditure, other than a by-law to raise money for erecting, building and furnishing a court house and offices aforesaid, or for acquiring land as provided in sub-section 2 of the last preceding section, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of the by-law, as the same is ultimately passed, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county (as constituted for judicial purposes) or if there is no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:

Form of notice.

The above is a true copy of a proposed by-law, to be taken into consideration by the Municipality of the County (*or* United Counties) of , at , in the said County (*or* United Counties), on the day of , 18 , at the hour of o'clock in the noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.
Clerk.

R. S. O. c. 184, s. 345.

When part only of money raised, by-law may be repealed as to residue.

346. Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of

the

the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the 31st day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. R. S. O. c. 184, s. 346. Proviso.

347. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. R. S. O. c. 184, s. 347. Until debt paid certain by-laws cannot be repealed, Nor altered. Exceptions.

348. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. R. S. O. c. 184, s. 348. No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

349. Any council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, or of any right to collect tolls on such road or bridge, or for the making such road or bridge wholly or partly free from tolls, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed, to be levied in each year, as provided by sections 340 to 342 of this Act. R. S. O. c. 184, s. 349. Municipal councils may purchase public works, etc., and contract debts to Crown, Although no special or other annual rate settled.

350. The council may, in any by-law to be passed for the creation of such debt, or for the executing of such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as Rates may be imposed for the payment of debts contracted with the Crown for such works.

the

the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. R. S. O. c. 184, s. 350.

Registration of By-Laws.

By-laws creating debts to be registered.

351. Every by-law passed by any municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the ratable property of the municipality, or any part thereof, shall be registered by the clerk of the municipality, if a county, in the registry office for the county in which the county town is situate, or in case of local municipalities in the registry office of the registry division in which the local municipality is situate, within two weeks after the final passing thereof. R. S. O. c. 184, s. 351.

Applications to set aside registration.

352.—(1) Every such by-law so registered and the debentures issued thereunder, shall be absolutely valid and binding upon the municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some Court of competent jurisdiction, within three months from the registry thereof, and a certificate under the hand and seal of the clerk of the Court, stating that such action or proceeding has been brought or application made, shall have been registered in said registry office within the period of three months.

When by-law, or so much thereof as is not quashed, to be valid.

(2) If the action or proceeding be dismissed, in whole or in part, then the by-law or so much thereof as is not the subject of the application, or not quashed upon the application shall be absolutely valid and binding, according to the terms thereof, on the expiration of three months from the date of the registration of the by-law; upon the dismissal of such action or proceeding, a certificate to that effect may be registered in the said registry office.

Certificate of dismissal of action.

Publication of notice.

(3) Notice of the passing of every by-law to which this and the preceding section refer, and which has not been submitted to the ratepayers, shall immediately after the registration of the by-law be published in some public newspaper, published either within the municipality, or in the county town, or in a

public

public newspaper in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week, for three successive weeks. R. S. O. c. 184, s. 352. *See* sec. 408.

Irregularities in form not to invalidate debentures in certain cases.

(4) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property mentioned therein, notwithstanding any want of substance or form either in the by-law itself, or in the time and manner of passing the same, shall be absolutely valid and binding upon the municipality and upon such real property according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some court of competent jurisdiction, within one month from the registry thereof.

Registration of certificate of application to quash.

(5) Where any action or proceeding shall be brought or taken or where an application shall be made to quash or set aside such by-law so registered, a certificate thereof under the hand and seal of the clerk of the court shall be registered in such registry office within five weeks from the date of registering the by-law, and in default thereof the court or judge may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law. 54 V. c. 42, s. 11.

Illegal by-laws not validated.

(6) Nothing in this section contained shall be taken to make valid a by-law or the debentures issued thereunder where it appears on the face of such by-law that the provisions of sub-sections 2, 3, 4 and 5 of section 340 or of section 342 of this Act have not been substantially complied with.

Exception as to local improvement by-laws.

353. Nothing in the last preceding two sections contained shall make it obligatory upon any city, town, or incorporated village to register any by-laws providing for the issue of debentures, passed under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the municipality. R. S. O. c. 184, s. 353.

Form of notice.

354. The notice required to be published by section 352, shall be in the form following or to the like effect:

Notice is hereby given that a by-law was passed by the of of on the day of A.D. 18 , providing for the issue of debentures to the amount of $, for the purpose of and that such by-law was registered in the registry office of the county of on the day of A. D. 18

Any

Any motion to quash or set aside the same or any part thereof, must be made within three months from the date of registration, and cannot be made thereafter.

Dated the day of 18

Clerk.

R. S. O. c. 184, s. 354.

Manner of registration. Rev. Stat. c. 186.

355. The by-laws shall be registered in the way and manner provided by *The Debentures Registration Act*, and the registrar shall be paid the sum of $2 for registration thereof. R. S. O. c. 184, s. 355.

Form of certificate of pending action.

356.—(1) The certificate first referred to in section 352 shall be in the form or to the effect following:

In the *(name of Court)*

This is to certify that in a certain action or proceeding in this Court, entitled the validity of by-law No. of the entitled a by-law has been called in question *(if a portion only of the by-law is called in question, state the fact)*.

Dated,

(Signed), *A.B.*
Clerk of

{ Seal. }

Form of certificate of dismissal of action.

(2) The certificate of dismissal of the action or proceeding shall be in the form or to the effect following:

In the *(name of Court)*

I hereby certify that the action or proceeding in this Court, entitled calling in question the validity of by-law No. of the has been dismissed *(or if dismissed in part and granted in part, set out the order made, verbatim)*.

Dated

(Signed), *A.B.*
Clerk of

{ Seal. }

Fee for registration.

(3) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. R. S. O. c. 184, s. 356.

DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

Amount and Limit of Rates. *Sec.* 357.
How estimated. *Sec.* 358.
Estimates and By-laws to be annual. *Secs.* 359, 360.
In case of deficiency. *Secs.* 361, 362.
In case of excess. *Sec.* 363.
Date from which Taxes imposed. *Sec.* 364.
Priority of Debentures. *Sec.* 365.
Power to Exempt from taxation. *Sec.* 366.
Reduction of Special Rate. *Sec.* 367.
Formalities in By-law therefor. *Sec.* 368.

357.—(1)

357.—(1) The council of every municipal corporation, and of every provisional corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no such council shall assess and levy in any one year, more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates. Yearly rates to be levied, sufficient to pay all debts payable within the year. Aggregate rate limited to two cents in the dollar.

(2) If in a municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and the principal of the debts contracted by the municipality on the 29th day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of the municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within the municipality are reduced within the aggregate rate aforesaid: but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. R. S. O. c. 184, s. 357. Provision when such aggregate not sufficient to pay debts payable within the year. Proviso.

358. In counties and local municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. R. S. O. c. 184, s. 358. How rates to be calculated

359. The council of every county or local municipality shall every year make estimates of all sums which may be required for the lawful purposes of the county or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. R. S. O. c. 184, s. 359. Estimates to be made annually.

360. The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates. R. S. O. c. 184, s. 360 By-laws for raising money by rate.

361. If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality. R. S. O. c. 184, s. 361. If the amount collected falls short.

362. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them. R. S. O. c. 184, s. 362. Estimates may be reduced.

363.

When sums collected exceed estimate, appropriation of the balance.

363. If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. R. S. O. c. 184, s. 363.

Yearly taxes to be computed from 1st January, unless otherwise ordered

364. The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the 1st day of January of the then current year, and end with the 31st day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. R. S. O. c. 184, s. 364.

Priority of debentures.

365.—(1) All debentures issued before the 1st day of January, 1867, by municipal corporations, under any by-law, and based upon the yearly value of ratable property at the time of passing such by-law, shall hold the order of priority which they occupied on the said 1st day of January, 1867; and each municipal corporation (having so issued debentures) shall levy a rate on the actual real value of the ratable property within the municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

How rates for paying them to be calculated.

To be applied solely to such purposes.

Rate for sinking fund.

(2) In cases where a sinking fund is required to be provided either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. R. S. O. c. 184, s. 365.

Exemption of manufactories or water works from taxation.

366. Every municipal council shall by a two-thirds vote of the members thereof have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation, except as to school taxes, for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. R. S. O. c. 184, s. 366.

When the rate imposed by a by-law may be reduced.

367.—(1) If on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by the by-law, in order to raise the instalment of the

sinking

sinking fund and interest required to be raised for any year, or to raise such instalments for any future years of the then unexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. R. S. O. c. 184, s. 367.

By-law to be approved by Lieutenant-Governor.

368. No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 290 of this Act. R. S. O. c. 184, s. 368.

Division VIII.—Anticipatory Appropriations.

When and how made. *Secs.* 369, 370.
On Separation of Municipalities. *Sec.* 371.

Anticipatory appropriations may be made.

369. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following:

What funds may be so appropriated.

1. The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(*a*) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(*b*) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(*c*) And of any money derived from any temporary investment of the sinking fund;

(*d*) And of any surplus money derived from any corporation work or any share or interest therein;

(*e*) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated.

2.

The sources and application to be stated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. R. S. O. c. 184, s. 369.

By-law must recite—

370.—(1) The by-law shall not be valid unless it recites—

The original debt and object;

(*a*) The original amount of the debt, and in brief and general terms, the object for which the debt was created;

The amount paid;

(*b*) The amount, if any, already paid of the debt;

The annual amount for sinking fund

(*c*) The annual amount of the sinking fund appropriation required in respect of such debt;

The amount for sinking fund in hand;

(*d*) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested;

The amount required for interest;

(*e*) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation; and

And that it is reserved, etc.

(*f*) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

By-law to be approved by Lieut.-Governor.

(2) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. R. S. O. c. 184, s. 370.

Anticipatory appropriation on separation of municipalities.

371. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. R. S. O. c. 184, s. 371.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.
DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

Accounts for Special Rate and Sinking Fund. *Sec.* 372.
Surplus on Special Rate, Application of. *Secs.* 373, 374.
Surplus on Special Rate, Investment of. *Sec.* 375.
General Surplus—Application of. *Secs.* 376-379.
Members of Corporations not to be parties to investments —Liability for loss. *Sec.* 380.
Yearly Returns to Government. *Secs.* 381, 382.

Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund or instalments of principal.

372. The council of every municipal corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit, at all times, the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. R. S. O. c. 184, s. 372.

When surplus may be applied to next year's interest, and to sinking fund.

373.—(1) If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. R. S. O. c. 184, s. 373.

Moneys levied for a sinking fund not to be diverted.

(2) Provided always that any moneys levied and collected for the purpose of a sinking fund, shall not in any case be applied towards paying any portion of the current or other expenditures of the municipality, save as may be otherwise authorized by this or any other Act.

Liability of councillors for diversion of sinking fund.

(3) In the event of the council of any municipality diverting any of said moneys for such current or any other expenditure, save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same, shall be disqualified for holding any municipal office for the period of two years. 54 V. c. 42, s. 12.

Application of moneys with consent of Lieut.-Governor in council.

374. The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such order. R. S. O. c. 184, s. 374.

Investment of surplus moneys raised on special rates.

375.—(1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by such order; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The council of such municipality may regulate, by by-law, the manner in which such investments shall be made.

Sinking fund may be used in purchasing unsold debentures.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly. R. S. O. c. 184, s. 375.

Investment of sinking fund.

376. Any council may direct, by by-law, that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the council may invest such sinking fund account in any of the securities named in, and according to the provisions of, the preceding section. R. S. O. c. 184, s. 376.

377.

377. Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. R. S. O. c. 184, s. 377. Council may apply other funds towards such debts.

378.—(1) A municipal corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose. Certain moneys may be set apart for educational purposes. Investment of same.

(2) No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. R. S. O. c. 184, s. 378. Proviso as to investment.

379. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans, to any board of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law; or may by by-law grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality. R. S. O. c. 184, s. 379. Loans to school trustees. Aid to poor school sections.

380. No member of a municipal corporation, shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation R. S. O. c. 184, s. 380. No members of corporation to be party to investment.

381. The treasurer of any municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by the municipality, transmit to the Treasurer of Ontario, on or before the Liability for loss.

Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer.

15th day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls; a true account of all the debts and liabilities of the municipality, for every purpose, for the then last year; and such further information and particulars, with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of $100, to be recovered, with costs, as a debt due to the Crown. R. S. O. c. 184, s. 381.

Penalty for default.

Every council to make a yearly report of the corporation debts to the Lieut.-Governor, etc.

382. Every council shall, on or before the 31st day of January in each year, under a penalty of $20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Minister of Agriculture, an account, in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the 31st day of December preceding, specifying in regard to every debt of which a balance remained due at that day:

What such report must shew.

1. The original amount of the debt;
2. The date when it was contracted;
3. The days fixed for its payment;
4. The interest to be paid therefor;
5. The rate provided for the redemption of the debt and interest;
6. The proceeds of such rate for the year ending on such 31st day of December;
7. The portion (if any) of the debt redeemed or paid during such year;
8. The amount of interest (if any) unpaid on such last mentioned day; and
9. The balance still due of the principal of the debt. R. S. O. c. 184, s. 382; 53 V. c. 50, s. 10.

DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

When granted. *Sec.* 383.
Expenses of. *Sec.* 384.

When a commission of inquiry may issue.

383. In case one-third of the members of any council, or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation, and things connected there-

with,

with, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. R. S. O. c. 184, s. 383.

Expenses of such commissions.

384. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof, made by the commissioner or by any one of the commissioners, at the office of the treasurer of the corporation. R. S. O. c. 184, s. 384.

TITLE IV.—ARBITRATIONS.

DIV. I.—APPOINTMENT OF ARBITRATORS.
DIV. II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

How appointed. *Secs.* 385-389, 394.
Failure of parties to appoint. *Secs.* 389, 390.
Respecting real property taken by Corporations. *Secs.* 391, 392.
Several interests in the same property. *Secs.* 393, 394.
Award, when to be made. *Sec.* 395.
Persons disqualified from acting as Arbitrators. *Sec.* 396.
Compensation for lands taken or injured. *See Secs.* 483-488.

Appointment how made.

385. The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law. R. S. O. c. 184, s. 385.

Council, or head thereof, may appoint for corporation.

386. The arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. R. S. O. c. 184, s. 386.

Either party may appoint an arbitrator and give notice to opposite party

387. In cases where arbitration is directed by this Act either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such

notice

notice is given. A notice to a corporation shall be given to the head of the corporation. R. S. O. c. 184, s. 387.

Third arbitrator to be appointed.

388. The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators appoint, in writing, a third arbitrator. R. S. O. c. 184, s. 388.

When more than two municipalities interested.

389. In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. R. S. O. c. 184, s. 389.

Provision in case of neglect to appoint.

390. In case of an arbitration between municipal corporations, if for twenty-one days, or in case the arbitration is respecting drainage works, then, if, for twenty days after having received such notice, the party notified omits to appoint an arbitrator; or if, for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or an incorporated village, the Judge of the County Court of the county within which the townships, town or incorporated village are or any of them is situate, may, or in case the arbitration is between other municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. R. S. O. c. 184, s. 390; 52 V. c. 36, s. 14.

Arbitration as to real property taken or injured by municipal corporations.

391. In case of an arbitration between a municipal corporation and the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints, and gives due notice to the head of the council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of the council shall, if authorized by by-law, within seven days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property, describing it. R. S. O. c. 184, s. 391.

Provision if owner of property refuses to name an arbitrator.

392. In any such arbitration, if after service upon the owner or occupier of, or any person interested in the property, of a copy of the by-law (certified to be a true copy, under the hand of the clerk of the council), together with a notice in writing of the appointment of an arbitrator on be-

half

half of the corporation, such owner, occupier, or person interested, does not within twenty-one days appoint an arbitrator on his behalf, and give notice thereof to the said council, the corporation may (except in the case provided for in section 393) apply to the Judge of the County Court of the county in which the municipality lies to appoint an arbitrator on behalf of such owner, occupier, or person interested in the property as provided in section 394. 52 V. c. 36, s. 15.

Where several parties have distinct interests in the same property.

393. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in section 391 under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon, and give notice of, an arbitrator jointly appointed in their behalf, before the County Court Judge shall have power to name an arbitrator for them. R. S. O. c. 184, s. 393.

County Court judge to appoint arbitrator in certain cases.

394. If such owner, occupier or person so interested, or the head of such council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, the Judge of the County Court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person, resident without the limits of the municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. R. S. O. c. 184, s. 394.

Time for making award.

395. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. R. S. O. c. 184, s. 395.

Persons disqualified from acting as arbitrators.

396.—(1) No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act.

(2) Nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration unless the arbitration relates to drainage under the provisions of this Act, or *The Ontario Drainage Act*. R. S. O. c. 184. s. 396.

Rev. Stat. c. 36.

DIVISION II.—PROCEDURE.

Oath of Arbitrator. Sec. 397.
Time of Meeting. Sec. 398.
Form of Award. Secs. 398, 404.
Registration of Award. Sec. 398.
Costs. Sec. 399.
Majority to decide. Sec. 400.
Evidence. Sec. 401.
Award, when adoption by By-law required. Sec. 402.
Award, power of Courts to review after adoption. Sec. 403.
Award, how made, and jurisdiction of Courts. Sec. 404.

Arbitrators to be sworn.

397. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or, in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace:

Form of oath or affirmation.

"I (*A. B.*) do swear (*or* affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God."

R. S. O. c. 184, s. 397.

Time of meeting, etc.

398. The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the registrar for the registry division in which the lands affected are situate. R. S. O. c. 184, s. 398.

Costs.

399. The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that the costs should be taxed on either the scale of the High Court, or of the County Courts, in which case the costs shall be taxed by the officer, in the county, of the proper Court, without any further order,

and

and the amount shall be payable one week after taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. R. S. O. c. 184, s. 399.

Majority to decide.

400. In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. R. S. O. c. 184, s. 400.

Notes of the evidence adduced to be taken and filed in certain cases.

401.—(1) In case of an award under this Act, which does not require adoption by the council, or in case of an award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file, with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. R. S. O. c. 184, s. 401.

Arbitartors acting on their own knowledge, etc., to put statement thereof in writing.

Arbitrators to verify fees.

(2) The said arbitrator, or arbitrators, shall also at the same time file with the said clerk a certificate of each of the said arbitrators, showing the number of hours actually occupied by him, or them, in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator, or arbitrators, with the date of each such sitting and the fees charged by said arbitrators in respect of such sitting. 53 V. c. 50, s. 11.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

402. In case the award relates to property to be entered upon, taken or used as mentioned in section 391, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within three months after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. R. S. O. c. 184, s. 402; 53 V. c. 50, s. 12.

Power of courts to review awards adopted by councils, etc.

403.—(1) An award not binding upon the council until adoption, as mentioned in the last preceding section, shall, if adopted, be subject to the jurisdiction of the Court, and to review on the merits, at the instance of the person whose property is affected

or

or taken, in the same manner as is provided by the next following section of this Act, in respect of any award not requiring adoption, and the provisions of sections 401 and 404 shall hereafter extend to every such award.

(2) The award may be moved against within one month (excluding vacations) next after the adoption thereof. R. S. O. c. 184, s. 403.

Award to be made by at least two arbitrators, and subject to jurisdiction of High Court. Powers of the Courts in such matters.

404. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the High Court, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by section 401, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence, to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, as prescribed in *The Act respecting Arbitrations and References*, and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. R. S. O. c. 184, s. 404.

Rev. Stat. c. 53.

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

To be under seal and bear signature of head. *Sec.* 405.
Railway and Bonus Debentures. *Sec.* 406.
Defects in form. *Secs.* 407, 408.
Local Improvement Debentures. *Sec.* 409.
Transfer of Registered Debentures. *Secs.* 410-412.
Councils borrowing for current Expenses. *Sec.* 413.
No issue under $100. *Sec.* 414.

Debentures, bonds, etc., how to be executed.

405. All debentures and other instruments duly authorized to be executed on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures. R. S. O. c. 184, s. 405.

406.

406. Debentures issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. R. S. O. c. 184, s. 406.

In certain cases, debentures valid without corporate seal, etc.

407. Debentures issued under the authority of any by-law promulgated under this Act, or any former Municipal Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof; Provided that the by-law has received the assent of the electors where necessary, and no successful application has been made to quash the same within the time limited in the notice of promulgation. R. S. O. c. 184, s. 407.

Debentures valid notwithstanding defect in form.

Proviso.

408. Where debentures were issued prior to the first day of February, 1883, by any municipality under a by-law passed by such municipality, and the interest on such debentures, and the principal of such thereof (if any) as shall have fallen due, has been paid for the period of two years or more, by the municipality, the by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding upon the corporation, and shall not be quashed or set aside on any ground whatever. R. S. O. c. 184, s. 408. *See sec.* 352.

Debentures issued before Feb. 1, 1883, on which payment has been made for two years, to be valid.

409. Every debenture issued under section 612 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued:

Form of local improvement debentures.

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), councils may, from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, further pass a collective or cumulative by-law consolidating such several amounts, and issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance;

Consolidation.

And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same

shall

shall insert a clause in such individual by-laws, intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date; and provided further that no consolidated debentures shall be issued, covering any debentures which may have been issued or sold under any original by-law. R. S. O. c. 184, s. 409.

Mode of transfer may be prescribed.

410. Debentures to be issued by any municipal council may contain a provision in the following words:

"This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (*or* Village) of ", *or to the like effect.*

R. S. O. c. 184, s. 410.

Debenture registry book.

411. The treasurer of every municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a debenture registry book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the treasurer and duly filed. R.S.O. c. 184, s. 411.

Registered debentures transferred by entry, etc.

412. After the certificate of ownership has been endorsed as aforesaid, the debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such debenture registry book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. R. S. O. c. 184, s. 412.

Council may authorize the borrowing of sums to pay current expenses.

413. The council of every municipality may authorize its head, with the treasurer thereof, under the seal of the corporation to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council shall, by by-law, regulate the amounts to be so borrowed, and the promissory note or notes, covenant, or agreement to be given in security therefor. R.S.O. c. 184, s. 413.

Without special authority, no bond, etc., to be given for less than $100. Proviso.

414. No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than $100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void. R. S. O. c. 184, s. 414.

TITLE

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

DIV. I.—JUSTICES OF THE PEACE.
DIV. II.—PENALTIES.
DIV. III.—WITNESSES AND JURORS.
DIV. IV.—CONVICTIONS UNDER BY-LAWS.
DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.
DIV. VI.—TENDER OF AMENDS.
DIV. VII.—CONTRACTS WITH MEMBERS OF COUNCIL VOID.
DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.
DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.
DIV. X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.
DIV. XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS.
DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

DIVISION I.—JUSTICES OF THE PEACE.

Justices of the Peace, Who are ex officio. *Sec.* 415.
Jurisdiction of Mayors of Cities and Towns. Sec. 416.
Qualification and Oath of ex officio *Justices. Sec.* 417.
Jurisdiction of Justices in cases under By-laws. Secs. 418, 419.

Certain persons to be *ex officio* justices of the peace.

415. The head of every council, and the reeve of every town, township, and incorporated village, shall, *ex officio*, be Justices of the Peace for the whole county, or union of counties, in which their respective municipalities lie, and aldermen in cities shall be Justices of the Peace for such cities. R. S. O. c. 184, s. 415.

Jurisdiction of mayors over certain offences.

416. The mayor of a town or city where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein or to make the necessary declarations of qualification and office. R. S. O. c. 184, s. 416.

Qualification of certain officials.

417. No warden, mayor, reeve or alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. R. S. O. c. 184, s. 417.

418.

Jurisdiction of justices under by-laws.

418. Every Justice of the Peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in the county, where there is no Police Magistrate. R. S. O. c. 184, s. 418.

Jurisdiction in cases not specially provided for.

419. In case any offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the council or not, may try and determine any prosecution for the offence. R. S. O. c. 184, s. 419.

Magistrate not disqualified where penalty payable to municipality.

419*a*. A magistrate is not disqualified to act as a magistrate where in case of a conviction the fine or penalty or part thereof goes to a municipality in which the magistrate is a ratepayer.

DIVISION II.—PENALTIES.

Recovery and enforcement thereof. *Secs.* 420-422.
On offences against By-Laws. *Sec.* 421.
Application of Penalties. *Sec.* 423.

Recovery and enforcement of penalties.

Imprisonment in default of payment.

420. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) thirty days, and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. R. S. O. c. 184, s. 420.

Penalties imposed by by-laws.

421. The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. R. S. O. c. 184, s. 421.

422.

422. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the common gaol, house of correction, or nearest lock-up house, for the term, or some part thereof, specified in the by-law. R. S. O. c. 184, s. 422. Commitment in default of distress.

423. Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. R. S. O. c. 184, s. 423. Application of fines.

423*a*.—(1). All by-laws authorized under the provisions of this Act, which have been, or which may hereafter be enacted and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which in default of payment authorize the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality, unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such conviction, amongst other things, directs the imprisonment of the accused during the period for which by law he might be imprisoned, unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house are sooner paid, and such conviction shall not by reason only that such direction, includes the costs of such conveyance and committal be impeached, quashed or set aside, and it is hereby declared that section 420 of this Act did and does apply to such by-laws heretofore passed and shall apply to any such by-laws hereafter to be passed. But this section shall not affect the costs of any application heretofore made to quash a conviction under any by-law heretofore passed. Convictions not to be void for certain informalities.

(2) The words "including the costs of committal" where they appear in the said section 420 include and mean and have always meant the cost of conveyance and committal to prison. 53 V. c. 50, s. 13.

[*As to summary method of enforcing by-laws, See sec. 482.*]

Division III.—Witnesses and Jurors.

Who may be witnesses. Secs. 424, 425.
Ratepayers, members, officers, etc., of Corporations liable to challenge as jurors. Sec. 425.
Compelling attendance of witnesses. Sec. 426.

424. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making Who may be witnesses.

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the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on the hearing. R. S. O. c. 184, s. 424.

Ratepayers, members, officers, etc., of corporation competent witnesses may be challenged as jurors.

425. In any prosecution, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to the prosecution, action or proceeding, is a county. R. S. O. c. 184, s. 425.

Compelling witnesses to attend, etc.

426. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. R. S. O. c. 184, s. 426.

DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

Form of Conviction. Sec. 427.

Form of conviction under by-laws.

427. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following:

PROVINCE OF ONTARIO, County of , To WIT. } BE IT REMEMBERED that on the day of A.D. , at , in the County of , *A. B.* is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said *A. B.* (*stating the offence, and time and place, and when and where committed*), contrary to a certain by-law of the Municipality of the of , in the said County of , passed on the day of , A.D. , and intituled (*reciting the title of by-law*); and I adjudge the said *A. B.*, for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to *C. D.*, the complainant, the sum of , for his costs in this behalf. And if the said several sums are not paid forthwith (*or* on or before the day of *as the case may be*), I order that the same be levied by distress and sale of the goods and chattels of the

said

said *A. B.*; and in default of sufficient distress, I adjudge the said *A. B.* to be imprisoned in the Common Gaol of the said County of (*or*, in the public Lock-up at) for the space of days, unless the said several sums, and all costs and charges of conveying the said *A. B.* to such Gaol (*or* Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at , in the said County.

(L.S.) *J. M.*,
J. P.

R. S. O. c. 184, s. 427.

Division V.—Execution against Municipal Corporations.

Proceedings on Writs of Execution. Sec. 428.
Municipal Officers, also Officers of Court. Sec. 429.

428. Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following: Proceedings on writs of execution against municipalities.

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy the execution, including in such amount the interest calculated to some day, as near as is convenient to the day of the service; Sheriff to deliver copy of writ and statement of claim to treasurer.

2. In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees, and the collector's percentage, up to the time when the rate will probably be available; If claim not paid, rate to be struck by Sheriff.

3. The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by the precept, after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates; Sheriff's precept to collector, etc., to levy rate.

4.

Rate rolls.

4. In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (*or as the case may be, adding a similar column for each execution if more than one*), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage;

Surplus.

5. The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation. R.S.O. c. 184, s. 428.

Clerk, assessors and collectors to be officers of the court from which writ issues.

429. The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. R.S.O. c. 184, s. 429.

DIVISION VI.—TENDER OF AMENDS.

Tender and payment into Court in actions for negligence. Sec. 430.

Tender of compensation in actions for negligence.

430. The council of any municipality, upon any claim being made or action brought for damages for alleged negligence on the part of the municipality, may tender, or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender or the amount paid into court, and the action being proceeded with, and a verdict being obtained for no greater amount than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall have been obtained against them. R.S.O. c. 184, s. 430. *See sec.* 339.

DIVISION

DIVISION VII.—CONTRACTS WITH MEMBERS OF COUNCIL VOID.

Contracts with Members of Council. Sec. 431.

431. In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, the contract, purchase or sale shall be held void in any action thereon against the corporation. R.S.O. c. 184, s. 431.

Contracts by members with the corporation to be held void in any action.

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

(*See* R. S. O. Cap. 72.)

In cities and towns. Sec. 432.
Clerk of. Sec. 433.

432. The council of every town and city shall establish therein a police office; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the mayor of the town or city, shall attend at such police office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a town or city may, at the request of the mayor thereof, act in his stead at the police office. R.S.O. c. 184, s. 432.

Police offices in cities and towns.

433. The clerk of the council of every city or town, or such other person as the council of the city or town appoints for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as clerks of Justices of the Peace; and in case the said clerk is paid by a fixed salary, the emoluments shall be paid by him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the Police Magistrate. R.S.O. c. 184, s. 433.

Clerk of police office, and his duties.

If paid by salary, fees to be paid over to municipality.

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

Board, members of. *Sec.* 434.
Powers of Commissioners as to witnesses. *Sec.* 435 (1, 2).
Quorum. *Sec* 435 (3).
Meetings of Board in Cities to be public. *Sec.* 435 (4).
Licensing, etc., livery stables, cabs, etc. *Sec.* 436.
By-laws of, how authenticated and proved. *Sec.* 437.
Penalties, how recoverable. *Sec.* 438.
High Bailiffs. *Sec.* 439.
Police Force, appointment of. *Secs.* 440, 441.
Police Regulations. *Sec.* 442.
Duties of Constables. *Sec.* 443.
Remuneration and Expenses of Police Force. *Sec.* 444.
Constables in Towns where no Police Commissioners. *Sec.* 445.
Constables in Incorporated Villages. *Sec.* 445.
Dissolution of Boards in Towns. *Sec.* 446.
Constables in Counties and Townships. *Sec.* 447.
Right of Salaried Constables to Fees. *Sec.* 448.
Arrests without warrant. *Sec.* 449.
Suspension from office. *Secs.* 450, 451.

Board of commissioners of police in cities and towns, of whom composed.

434.—(1) In every city there is hereby constituted a board of commissioners of police, and in every town having a Police Magistrate the council may constitute a like board, and such board shall consist of the mayor, the Judge of the County Court of the county in which the city or town is situate, and the Police Magistrate; and in case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. R.S.O. c. 184, s. 434.

(2) The council of any city with a population of 100,000 or over, may by by-law provide for the payment of the Police Commissioners or any of them. 53 V. c. 50, s. 14.

Board may examine witnesses on oath.

435.—(1) The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the board shall be sufficient, if signed by the chairman of the board, or any one of the commissioners.

(2) No party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution. Privileges of witnesses.

(3) A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board. Quorum.

(4) All meetings of the board of police commissioners in cities shall be open to the press and the public, unless otherwise decided by the board. R.S.O. c. 184, s. 435. Meetings in cities to be open to public

436.—(1) The board of commissioners of police shall, in cities license and regulate second-hand stores and junk stores and shall also, in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles regularly used for hire within the said city whether such owners are resident or non-resident therein, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced. R.S.O. c. 184, s. 436 (1). Licensing livery stables, cabs, etc., in cities.

(2) The board of commissioners of police and the council of any city in which there is no board of commissioners of police may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable, boarding or other stables shall hereafter be established in which horses are to be kept for hire or express purposes. 52 V. c. 36, s. 16. Livery stables.

(3) The board of commissioners of police shall also regulate and control children engaged as: Control of children.

(*a*) Express or despatch messengers;

(*b*) Vendors of newspapers and small wares;

(*c*) Bootblacks. 51 V. c. 28, s. 17.

(4) The council of a city in which there is no board of commissioners of police, shall have and may exercise by by-law, all the powers conferred upon the board of commissioners by this section. R.S.O. c. 184, s. 436 (2). Council to exercise powers where no board exists.

(5) The board of commissioners of police in any city, and the council of any town, may regulate or prohibit the playing of bands and of musical instruments on any street, highway, park or public place in the city, but this shall not apply to any military band attached to any regular corps of the militia of Canada when on duty under the command of its regular officers. 54 V. c. 42, s. 13. Bands of music.

437. All by-laws of the board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board which passes the same; and a copy of How by-laws of board authenticated and proved.

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such by-law, written or printed, and certified to be a true copy by any member of the board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to such original by-law has been forged. R.S.O. c. 184, s. 437.

May be enforced by penalties, etc.

How recovered.

438. In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws, to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the city for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinbefore set forth. R.S.O. c. 184, s. 438.

High bailiffs.

439. The council of every city shall appoint a high bailiff, but may provide, by by-law, that the offices of high bailiff and chief constable shall be held by the same person. R.S.O. c. 184, s. 439.

Police force in cities and towns.

440. The police force in cities and towns having a board of commissioners of police, shall consist of a chief constable, and as many constables and other officers and assistants as the council from time to time deem necessary, but, in cities, not less in number than the board reports to be absolutely required; but this section shall not affect or apply to a city in which, by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. R.S.O. c. 184, s. 440.

Appointment of members of police force.

441. The members of the police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe the following oath:

Oath of office.

I, *A. B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the of without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

R.S.O. c. 184, s. 441.

Board to make regulations.

442. The board shall, from time to time, make such regulations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. R.S.O. c. 184, s. 442.

443. The constables shall obey all lawful directions, and be subject to the government of the board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanours, and apprehending offenders ; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities, which belong by law to constables duly appointed. R.S.O. c. 184, s. 443.

Constables to be subject to the Board.

Duties of constables.

444. The council shall appropriate and pay such remuneration for and to the respective members of the force, as may be required by the board of commissioners of police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the board may from time to time deem requisite and require for the payment, accommodation and use of the force ; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof provision is made for the appointment, control and management of the police by the council. R.S.O. c. 184, s. 444.

Remuneration and contingent expenses.

445. The council of every town not having a board of commissioners of police shall, and the council of every incorporated village may appoint one chief constable, and one or more constables for the municipality ; and the persons so appointed shall hold office during the pleasure of the council. R.S.O. c. 184, s. 445.

Constables in towns and villages.

446. Where, in a town, there was on the 24th day of March 1874 a board of commissioners of police, constituted under the Acts then in force respecting Municipal Institutions in this Province, the council of the said town may, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by the board ; and unless and until so dissolved and put an end to, the board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by the board. R.S.O. c. 184, s. 446.

Dissolution of boards of police commissioners in towns.

447. The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council ; every such constable, and any city, town or village constable shall have the same powers and privileges, and be subject to the same liability and to the performance of the same duties, and shall be subject also to suspension by the Judge of the County Court in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions. R.S.O c. 184, s. 447.

County and township constables.

Their powers.

448. Where any salaried constable is appointed for any municipality, whether by the municipal council or by police commissioners,

Rights of salaried constable fees.

commissioners, the council may agree that such constable shall keep, for his own use, his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality. R.S.O. c. 184, s. 448.

Arrests by constables for alleged breaches of the peace not committed in their presence.

449. In case any person complains to a chief of police, or to a constable in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then, if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the mayor or sitting Justice, such officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Magistrate, mayor or Justice, to be dealt with according to law. R. S. O. c. 184, s. 449.

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

450. Until the organization of a board of police, every mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the chief constable, or any constable of the town or city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the city council shall have the like powers as to the high bailiff of the city. R. S. O. c. 184, s. 450.

Incapacity of such officer to act.

Salary to cease.

451. During the suspension of such officer he shall not be capable of acting in his office, except by the written permission of the mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. R. S. O. c. 184, s. 451.

DIVISION X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

Erection and care of. *Secs.* 452-469, 472-475.
Furniture. *Sec.* 470.
Insurable interest of Corporations. *Sec.* 471.
Expense of prisoners. *Sec.* 476.

County council may pass by-laws as to county buildings

452. Every county council may pass by-laws for erecting improving and repairing a court house, gaol, house of correction, and house of industry, upon land being the property of

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the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. R. S. O. c. 184, s. 452.

Acquiring land for court-houses in cities.

453. Every county council may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such court house. R. S. O. c. 184, s. 453.

Gaols and court-houses in counties and cities, etc., not separated.

454. The gaol, court house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court house, and house of correction of the town or city, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the town or city. R. S. O. c. 184, s. 454.

City councils may erect, etc., certain public buildings.

455. The council of any city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry, upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. R. S. O. c. 184, s. 455.

Lock-up houses may be established by county councils.

456 The council of every county may establish and maintain a lock-up house, or lock-up houses, within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up house, and may direct the payment of the salary out of the funds of the county. R. S. O. c. 184, s. 456.

A constable be placed in charge.

457. Every lock-up house shall be placed in the charge of a constable specially appointed for that purpose by the magistrates of the county at a General Sessions of the Peace therefor. R. S. O. c. 184, s. 457.

Lock-up houses.

458. The council of every city, town, township, and incorporated village may, by by-law, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses. R. S. O. c. 184, s. 458.

Joint lock-up houses.

459. Two or more municipalities may unite to establish and maintain a lock-up house. R. S. O. c. 184, s. 459.

Land may be acquired for industrial farms, house of industry, refuge, etc.

460.—(1) The council of every county, city or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a house of industry and a house of refuge, and provide, by by-law, for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

Proviso as to united or contiguous counties.

(2) Two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided.

Power to compel persons sent to industrial farms, etc., to work thereon.

(3) The council may provide, by by-law, for requiring such persons as may be sent to such industrial farm or other place, to work on the said farm, or at any work or service for the said municipality, at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife and child or wife or children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. R.S.O. c. 184, s. 460.

Industrial farms and houses of refuge for two or more municipalities.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county now have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act, shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5)

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municpalities in the preceding subsection mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them. 51 V. c. 28, s. 18.

Maintenance of patients sent by local municipalities to House of Refuge.

(6) The council may provide by by-law that each local municipality within the county shall be required to pay for the maintenance and support of each person sent by or from such local municipality to the House of Refuge, and received therein, a sum not exceeding at the rate of one dollar and fifty cents per week. 52 V. c. 36, s. 17.

Inspectors to keep and render accounts of expenses, etc.

461. The inspector of a house of industry or refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry or refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council; and a copy thereof shall be presented to the Legislature. R.S.O. c. 184, s. 461.

By-laws may be passed establishing workhouses and houses of correction.

462. The council of every city and town may respectively pass by-laws:

1. For erecting and establishing within the city or town or on such industrial farm, or on any ground held by the corporation for public exhibitions, a workhouse or house of correction, and for regulating the government thereof.

Who liable to be committed thereto.

2. For committing and sending, with or without hard labour to the workhouse or house of correction, or to the industrial farm, house of industry, house of refuge, or house for the poor, aged, and infirm, or lock-up, or to any work or service for the municipality as aforesaid, by the mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction in the municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the 36th year of Her Majesty's reign, and as may by the council be deemed, and by by-law be declared, expedient; and such farm, house of correction, house of industry, house of refuge, or house for the poor, aged, or infirm, lock-up house, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the municipality and the jurisdiction thereof. R.S.O. c. 184, s. 462.

Institutions for reclamation of habitual drunkards.

3. For erecting and establishing within a city having a population of 50,000 and upwards an institution for the reclamation and cure of habitual drunkards.

4. For committing or sending with or without hard labour to the institution for the reclamation and cure of habitual drunkards by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient.

5. In the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887, shall be applicable thereto as if such institution had been named in said Act. 51 V. c. 28, s. 19.

Until houses of correction erected, the common gaols are constituted houses of correction.

463. Until separate houses of correction are erected in the several counties in Ontario, the common gaol in each county respectively shall be a house of correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a house of correction, shall, unless otherwise provided by law be committed to the said common gaols, respectively. R.S.O. c. 184, s. 463.

Custody of gaols.

Keepers.

464.—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

Appointment and dismissal of gaolers.

(2) Every appointment, or dismissal, of a gaoler shall be subject to the approval of the Lieutenant-Governor. R.S.O. c. 184, s. 464.

Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

465. The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. R.S.O. c. 184, s. 465.

County council to have care of court-house, etc.

466. The county council shall have the care of the court house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Courts of Justice

other

other than the Division Courts, and for the library of the law association of the county (such last mentioned accommodation to be provided in the court house), and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such Courts other than (1) officers of the Maritime Court of Ontario (not being in the county of York) and (2) official assignees. R.S.O. c. 184, s. 466.

City gaols to be regulated by by-laws of city council.

467. In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. R.S.O. c. 184, s. 467.

Upon separation of union of counties, gaol and court-house regulations to continue.

468. In case of a separation of a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to court houses or gaols, in force at the time of the separation, shall extend to the court house and gaol of the junior county. R.S.O. c. 184, s. 468.

Liability of cities and towns separated from counties for erection and maintenance of court-house, etc.

469—(1) Cities and towns separated from counties shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred in erecting, building and repairing and maintaining the court house and gaol of their respective counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the gaol and Courts of justice, other than the Division Courts, and for the library of the law association of the county and of providing proper offices, together with fuel, light, and furniture for officers connected with such Courts, where the same are required to be provided by the county council; and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements, and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the Province; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes cannot, by agreement from time to time, settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. R.S.O. c. 184, s. 469.

Reference to arbitration in case of disagreement.

Purchase of lands and erection of buildings for municipal and judicial purposes.

(2) It shall be lawful for the council of any county and the council of any city or town situate in such county, but separated therefrom for municipal purposes, to enter into any agreement,

(*a*) For the purchase or acquisition of land within the county town for the purpose of erecting thereon buildings for the use of such county and city or town, for municipal and judicial purposes;

(*b*)

(*b*) And for the erection, maintenance, use, management and control of such buildings;

(*c*) And for fixing or ascertaining the amount which each municipality shall pay or contribute for the purposes aforesaid;

(*d*) And for the subsequent disposition of such land and buildings, and of any insurance or other moneys that may be received in respect thereof;

And to acquire such land as may be necessary for the erection thereon of such buildings;

And to pass all such by-laws as may from time to time be necessary for the purchasing of such land, and the carrying out of any such agreement. 52 V. c. 36, s. 18.

Liability for furniture for use of county officials.

470. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 466 and 469 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. R.S.O. c. 184, s. 470.

Insurable interests of corporations in certain cases.

471. The corporation of any county and city or town separated from the county, are hereby declared to have, respectively, insurable interests in the court house and gaol of the county and the furniture thereof, in the proportions in which they shall, for the time being, be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said gaol and Courts of justice, and for the officers connected with such Courts, and any such corporation may insure its said interest accordingly. R.S.O. c. 184, s. 471.

Liability of city to contribute to cost of erecting court-houses and goals.

472. In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the 5th day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the council of the city, or, in case of dispute, has been determined by arbitration, according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. R.S.O. c. 184, s. 472.

Compensation by city or town for use of court-house, etc.

473.—(1) While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act.

(2) In case of arbitration under the preceding provisions of this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities, and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this sub-section shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the first day of January, 1886. R.S.O. c. 184, s. 473. Matters to be considered in determining compensation.

474. In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. R.S.O. c. 184, s. 474. When the amount of compensation may be reconsidered.

474*a*—(1) In case a county town has not a lock-up approved by the Inspector of Prisons, and the county gaol is used for the purposes of a lock-up, the municipal corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable amount for the use of the gaol as a lock-up, and for the expenses incurred thereby and in connection therewith, and in the event of any dispute arising as to the amount which should be paid to the county as aforesaid, the same shall be settled by arbitration as provided for under this Act. Payment to be made to county when gaol used as a lock-up.

(2) This section shall not apply to cities or towns separated from counties for which provision is made by section 473 of this Act. 52 V. c. 36, s. 44.

475. Nothing herein contained shall affect any lock-up house heretofore lawfully established, but the same shall continue to be a lock-up house as if established under this Act R.S.O. c. 184, s. 475. Existing lock-up houses to continue.

476. The expense of conveying any prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. R.S.O. c. 184, s. 476. Expense of conveying and maintaining prisoners.

DIVISION

DIVISION XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS.

Investigation by County Judge. Sec. 477.

Investigation by county judge of charges of malfeasance by municipal officers.

477.—(1) In case the council of any municipality at any time passes a resolution requesting the Judge of the County Court of the county in which the municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer, or other person, to the municipality, or in case the council of any municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*, and the Judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon.

Judge to have powers mentioned in Rev. Stat. c. 17.

Fees payable to county judge.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees as he would be entitled to receive if the matter had been referred to him as a referee under the provisions of *The Judicature Act*. R.S.O. c. 184, s. 477.

Rev. Stat. c. 44.

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayor may call out posse comitatus. Sec. 478.

Mayor may call out *posse comitatus*.

478. The mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. R.S.O. c. 184, s. 478.

PART

PART VII.

POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.
TITLE II.—AS TO HIGHWAYS AND BRIDGES.
TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.
TITLE IV.—AS TO RAILWAYS.

TITLE I.—POWERS IN GENERAL.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.
DIV. II.—OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.
DIV. III.—OF TOWNSHIPS, CITIES AND TOWNS.
DIV. IV.—OF COUNTIES AND CITIES.
DIV. V.—OF COUNTIES, CITIES, AND SEPARATED TOWNS
DIV. VI.—OF CITIES, TOWNS, AND INCORPORATED VILLAGES.
DIV. VII.—OF CITIES AND TOWNS.
DIV. VIII.—OF TOWNSHIPS, TOWNS AND VILLAGES.
DIV. IX.—OF TOWNS AND INCORPORATED VILLAGES.
DIV. IX*a*.—OF TOWNS ONLY.
DIV. X.—OF COUNTIES ONLY.
DIV. X*a*.—OF CITIES ONLY.
DIV. XI.—OF TOWNSHIPS ONLY.

DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS CITIES, TOWNS, AND INCORPORATED VILLAGES.

Respecting the obtaining of property. *Sec.* 479 (1).
" *Appointment of certain officers.* *Sec.* 479 (2, 3).
" *Harbours, Docks, etc.* *Sec.* 479 (4-8).
" *Aid to Agricultural, etc., Societies.* *Sec.* 479 (9).
" " *Rifle Associations—Militia.* *Sec.* 479 (9*a*.)
" " *Bands of Music.* *Sec.* 479 (9*b*).
" " *Road Companies, etc.* *Sec.* 479 (11).
" " *Indigent persons and charities.* *Sec.* 479 (12)
" *Census.* *Sec.* 479 (13).
" *Driving and Riding.* *Sec.* 479 (14).
" *Drainage.* *Sec.* 479 (15).
" *Egress from and Construction of Buildings.* *Sec.* 479, (16), (16*a*).
" *Fines and Penalties.* *Sec.* 479 (17-19).
" *Ornamental Trees.* *Sec.* 479 (20).

Respecting

Respecting Seizure of Bread of short weight. *Sec.* 479 (21).
" *Acquisition of land for Parks, etc.* *Sec.* 479 (22,23).
" *Intelligence Offices.* *Sec.* 479 (24, 28).
" *Bathing Houses.* *Sec.* 479 (29).
" *Acquisition of Water Rights.* *Sec.* 479*a*.
" *Contracts for supply of Gas and Water.* *Sec.* 480.
" *Discovery of Crimes.* *Sec.* 481.
Summary Remedy if By-laws not obeyed. *Sec.* 482.
Compensation for lands taken. *Secs.* 484-488.
Powers in relation to Roads and Bridges. *See sec.* 550 *et seq.*

Councils may make by-laws.

479. The council of every county, township, city, town and incorporated village may pass by-laws:

Obtaining Property.

Obtaining property, real and personal, etc.

1. For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required;

Appointing certain Officers.

Appointing certain officers.

2. For appointing such—

Pound-keepers,	Road Surveyors,
Fence-viewers,	Road Commissioners,
Overseers of Highways,	Valuators,
Game Inspectors,	

and other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the corporation, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for the municipality to pay such member of the corporation acting as such commissioner, superintendent or overseer. *See* R.S.O. c. 210, s. 5.

Fixing fees and securities

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; *See* sec. 278.

Harbours, Docks, etc.

Cleanliness of wharves, docks, etc.

4. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water;

5.

5. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; Removal of door steps, etc., obstructing wharves, etc.

6. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; Making, etc., of wharves, docks, etc.

7. For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; Regulating harbours, beacons, wharves, elevators, etc. Vessels, etc. Harbour dues.

8. For granting aid by way of bonus, for or towards the construction of harbours, wharves, docks, slips, and necessary beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of a county whether such bonus be given by such county or by a city, town, township, or incorporated village situate therein and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the municipality may deem expedient; Granting aid by way of bonus to harbours, etc.

(*a*) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts; Assent of electors necessary.

(*b*) Any municipality granting such aid may take and receive of and from such person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given. Security may be taken.

Aiding Agricultural and other Societies.

9. For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute or free library, established under *The Free Libraries Act*, within the municipality, or within any adjoining municipality. R.S.O. c. 184, s. 479 (1-9) *See also* R.S.O. c. 39, s. 81 (1). Granting aid to agricultural societies. Rev. Stat. c. 189.

Rifle Associations—Militia.

Aid to rifle associations and militia.

9*a*. For the purpose of aiding any regularly organized rifle association; or for adding to the sum paid during the period of annual or other authorized drill, or when on active service, to any enlisted member or members of any corps of Active Militia organized within such municipality; or for the purpose of military outfit or equipment of the members of such corps. 52 V. c. 36, s. 19, *part.*

Bands of Music.

Bands of Music.

9*b*. For aiding in the establishment or maintenance of a band of music. 52 V. c. 36, s. 19, *part.*

[*Rev. Stat. c. 184, s. 479, sub-s. 10 repealed by Municipal Amendment Act, 1892.*]

Aiding Road Companies, etc.

Aid for roads bridges and harbours.

11. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

Assent of electors necessary.

(*a*) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

Aiding Indigent Persons and Charities.

Aiding indigent persons and charities.

12. For aiding in maintaining any indigent person belonging to or found in the municipality, at any work-house, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or for granting aid to any charitable institution or out-of-door relief to the resident poor; *See sec.* 504 (11).

Census.

Local census.

13. For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality;

Driving or Riding on Roads and Bridges.

To regulate driving on roads and bridges.

14. For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon. R.S.O. c. 184, s. 479 (11-14).

Drainage

Drainage.

15. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in or adjacent to the municipality in any way necessary or convenient for the said purposes, and for entering upon, taking or using any land not adjacent to the municipality for the purpose of providing an outlet for any sewer, but subject always to the restrictions in this Act contained. R.S.O. c. 184, s. 479 (15); 51 V. c. 28, s. 20. Opening or stopping up drains and water-courses, etc.

Egress from and Construction of Buildings.

16. For regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto; and the construction and width of stairways in churches, theatres, halls, or other places used for public worship, public meetings or places of amusement, and in factories, warehouses, hotels, boarding and lodging houses; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings; and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. R.S.O. c. 184, s. 479 (16); 54 V. c. 42, s. 14. Doors, etc., of public buildings.

16*a*. For regulating the size and strength of walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection, and for enforcing observance of such regulations. 51 V. c. 28, s. 21. Size and strength of walls, etc., and production of plans.

Fines and Penalties.

(*See also secs.* 420-423.)

17. For inflicting reasonable fines and penalties not exceeding $50 exclusive of costs,— Fines and penalties.

(*a*) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and For neglect of duty, or refusal to accept office.

(*b*) For breach of any of the by-laws of the corporation. Or for breach of by-laws.

Collecting penalties and costs.

18. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender;

Imprisonment when allowed and time of.

19. For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a lock-up house in some town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied: except for breach of any by-law in cities, and of any by-law for the suppression of houses of ill-fame in any municipality, in which cases the imprisonment may be for any period not exceeding six months, with or without hard labour in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid; R.S.O. c. 184, s. 479 (17-19).

Ornamental Trees.

Trees on streets.

20. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but any owner of adjoining property shall be entitled to ten days' notice of the intention of the council to remove such tree, shrub or sapling, and shall be entitled to be recompensed for his trouble in planting and protecting the same. No owner of adjoining property nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley or other communication; and any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 54 V. c. 42. s. 15.

Regulations as to trees on boundaries between private properties.

20*a*. For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may without the consent of the owner or occupant of the adjoining land be planted. 53 V. c. 50, s. 16.

Seizing

Seizing Bread, etc.

21. For seizing and forfeiting bread or other articles when of light weight or short measurement. *See also* secs. 489 (52); 503 (9). Light weight and short measure.

Acquiring land for Parks, etc.

22. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree. Acquiring land for parks, etc.

23. In every case in which any municipality shall expropriate lands in an adjoining municipality, the municipality so expropriating such lands shall put the same in an efficient state to be used as, and open the same to the general public, for the purposes of such public parks, squares, boulevards and drives within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using the same and the residents whose lands adjoin the lands so expropriated. R.S.O. c. 184, s. 479 (21-23). Provisions where land expropriated is in an adjoining municipality.

Intelligence Offices.

24. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for domestic servants and other labourers and any other class of servant, workmen, clerk or person seeking employment, and for fixing the fees to be charged and recovered by the keepers of such offices; Licensing intelligence offices.

25. For the regulation of such intelligence offices; Regulation of.

26. For limiting the duration of or revoking any such license; Duration of license.

27. For prohibiting the opening or keeping of any such intelligence office within the municipality without license; Prohibition without license.

28. For fixing the fee to be paid for such license, not exceeding $10 for one year. R.S.O. c. 184, s. 504 (1-5). Fees.

Bathing

Bathing Houses.

Public bathing houses.

29. For granting money to aid and assist in the construction of public bathing houses within the municipality, to borrow money for such purposes, and to issue debentures to secure the re-payment thereof. 54 V. c. 42, s. 22.

ACQUIRING WATER RIGHTS.

Power to acquire water rights. Rev. Stat. c. 192.

479*a*.—In addition to the powers given by *The Municipal Water Works Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase, demise or gift the right or title to any stream, river, creek, waters, water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, wiers or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality. 51 V. c. 28, s. 38.

GAS AND WATER.

Council may contract with company for supply of water.

480.—(1) Every municipal council shall have power to contract for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable and for the renting of such hydrants for any number of years not, in the first instance, exceeding ten, and for renewing such contract from time to time for such period, not exceeding ten years, as the council may desire, and every council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. Every municipal council shall in like manner have power to contract for a supply of gas or electric light for street lighting and other public uses for any number of years not in the first instance exceeding ten, and for renewing such contract from time to time for such period not exceeding ten years, as the council may desire. R.S.O, c. 184, s. 480 (1); 52 V. c. 36, s. 20.

Contracts for the supply of gas or electric light.

Powers in respect of lighting and construction of gas works.

(2) Subject to the provisions of this Act, or any special Act so far as the same may be applicable, the powers of a municipal corporation for lighting the municipality, or for constructing gas works, whether by this or by any special Act, shall include the powers conferred on gas companies by sections 54

and

and 55 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water.* Rev. Stat. c. 164.

(3) Where any municipal corporation has constructed any gas or water works for supplying the municipality with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation, upon the same being requested by the owner, occupant, or other person in charge of such building. Municipal corporation constructing works to supply with gas or water buildings on line of supply, on request.

(4) The corporation before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building. Corporation may require security from consumer.

(5) Nothing in the preceding two sub-sections contained shall be construed in any way to affect the liability of any corporation in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation in respect thereto shall remain as if such two sub-sections had not been enacted. R.S.O. c. 184, s. 480 (2-5). Liability fo failure of supply not affected.

DISCOVERY OF CRIMES.

481. The council of any municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. R.S.O. c. 184, s. 481. Rewards for apprehension of criminals.

SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

482. Whenever any municipal council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. R.S.O. c. 184, s. 482. Mode of compelling performance of matters directed to be done by council, etc.

COMPENSATION FOR LANDS TAKEN OR INJURED.

483. Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercises of such Owners of lands taken by corporation, etc., to be compensated.

powers,

Differences to be determined by arbitration.

Limitation of claims for compensation.

powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act, and such claim shall be made within one year from the date when the alleged damages were sustained or become known to the claimant, or in case of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant, but this limitation shall not apply to real property taken or used by the corporation. R.S.O. c. 184, s. 483. *See* sec. 383 *et. seq.*; 54 V. c. 42, s. 16.

How title acquired to land when owned by corporations, tenants in tail, vested in trustees, etc.

484.—(1) In the case of real property which a council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

If there be no party who can convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the county in which such property is situate may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. R.S.O. c. 184, s. 484.

Application, etc., of purchase money where party has not an absolute estate in the property.

485. In case any person acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless the High Court, or other Court having jurisdiction in such cases, in the meantime directs the council to pay the same to any person or into Court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. R.S.O. c. 184, s. 485.

Purchase money subject to charges on property.

486. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. R.S.O. c. 184, s. 486.

Tender of compensation.

487.—(1) Notwithstanding any of the provisions contained in this Act, in all cases where claims are made for compensa-

tion,

tion for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the corporation of any city, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed $1,000, the same shall be settled and determined by the award of the Judge of the county within which the city is situate, (sitting as sole arbitrator), or at the option of either party, by such other sole arbitrator as the said Judge on application made by either party to him, upon notice to the other party, may appoint for the purpose. When lands taken or injured by city.

Provided that in cities having a population of 100,000 or over the limitation of the above provision to claims not exceeding $1,000 shall not apply, and all claims of the character aforesaid may, at the option of any party interested therein, be settled and determined by the award of a sole arbitrator to be appointed by any Judge of the Court of Appeal for Ontario, upon the application of any party interested, and upon notice, as herein provided, to the other parties. Matters that may be referred to a sole arbitrator.

Provided that in such cities in lieu of appointing a sole arbitrator, the Judge may, in cases where the sole question involved is the value of the property taken, or to be taken, appoint one or more valuators or appraisers, who shall determine the amount of compensation to be made to the claimant or claimants upon view of the locality, and according to their own skill and knowledge without hearing evidence. R.S.O. c. 184, s. 487 (1); 52 V. c. 36, s. 21 (1). Appointment of valuators in the place of a sole arbitrator.

(2) Either party shall be entitled to at least seven days notice exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator or valuator or appraiser as aforesaid. R.S.O. c. 184, s. 487 (2); 52 V. c. 36, s. 21 (2).

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Act respecting Arbitrations and References*. R.S.O. c. 184, s. 487 (3). Rev. Stat. c. 53.

(4) The fees to be paid to the valuator or appraiser, or valuators or appraisers shall be determined by the Master in Chambers of the Supreme Court of Judicature for Ontario upon the application of any party interested. Fees of valuators or appraisers.

(5) Subject to the provisions of section 488, the costs of any award made under this section, by an arbitrator or by the valuator or valuators, or appraiser or appraisers appointed as herein provided, shall be upon such scale and shall be borne Costs of awards.

and

and paid by such of the parties as the said Master in Chambers may direct by order (to be made on the application of either party).

Appointment of arbitrators, etc., not to be deemed an admission of the corporation's liability.

(6) The appointment of valuators or appraisers under this section, or under sections 391, 392, 393 and 394 of this Act, shall not be deemed to be an admission of any liability on the part of the corporation; and all defences and objections shall be open to either party as if an action had been brought.

Contents of award.

(7) Any arbitrator appointed under this section, or under the sections hereinbefore mentioned, may and shall at the request of either party, in and by his said award, specify separately (1) the amount of compensation or damage to which the claimant would be entitled, if there was no set off on account of any advantage derived by the claimant from the work or improvement in question, and (2) the amount deducted from such compensation or damage on account of such advantage, and also whether any, and if any, how much of the said advantage was direct, special and peculiar to the property of the claimant.

(8) The preceding four sub-sections apply only to cities having a population of 100,000 or over. 52 V. c. 36, s. 22.

Appointment of arbitrators not to be admission of liability.

487*a*. The appointment of arbitrators under sections 391, 392, 393, and 394 of this Act shall not be deemed to be an admission of any liability on the part of the corporation; and all defences and objections shall be open to either party as if an action had been brought.

Reference of claims for compensation in respect of lands.

488. The council of any municipality in all cases where claims for compensation or damages are made against them which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered, and the arbitration being proceeded with, and if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount which shall have been awarded against them. R.S.O. c. 184, s. 488.

Compensation to stand in the stead of lands.

488. (*a*) The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands, and any claim to or encumbrance upon the said lands, or to any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof.

488. (*b*) If in the opinion of the High Court of Justice or of any Judge thereof, there is reason to fear any claims or encumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent. per annum for six months, and may deliver to such accountant an authentic copy of the conveyance or of the award or agreement, as the case may be, and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned but this shall not apply to any proceedings heretofore had or taken. Compensation may be paid into court.

488. (*c*) A notice in such form and for such time as any judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the municipality in which the lands are situated, or if there is no newspaper published in the municipality, then in the *Ontario Gazette*, and also in a newspaper published in the nearest municipality thereto in which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof, and all such claims shall be received and adjudicated upon by the High Court of Justice or by any judge thereof, and the said proceedings shall forever bar all claims to the said lands or to any part thereof, including dower, as well as all mortgages or encumbrances upon the same, and the said court or judge shall make such order for distribution, payment or investment of the said compensation money and for securing the rights of all persons interested, as may be necessary. Notice to be given. Proceedings shall bar all claims.

488. (*d*) The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said court or any judge thereof may order; and if the said order of distribution is obtained in less than three months from the payment into court of the said compensation moneys, the court or any judge thereof may direct any proportionate part of such interest to be returned to the said corporation. Costs.

488. (*e*) Such judgment shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or encumbrance upon the same, and the court or judge shall make such order for distribution, payment or investment of the said compensation money, and for the security of the rights of all persons interested therein as may be necessary. 53 V. c. 50, s. 17. Judgment shall bar all claims.

DIVISION

DIVISION II.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES TOWNS, AND INCORPORATED VILLAGES.

Respecting Polling Subdivisions. *Sec.* 489 (1).
" *Disqualification of Electors for non-payment of Taxes.* *Sec.* 489 (2).
" *Water and Water Works.* *Sec.* 489 (3, 4).
" *Reduction of Sinking Fund.* *Sec.* 489 (5).
" *Billiard or Bagatelle Tables.* *Sec.* 489 (6).
" *Victualling Houses, etc.* *Sec.* 489 (7, 8).
" *Licensing Transient Traders.* *Sec.* 489 (9).
" *Schools.* *Sec.* 489 (10).
" *Cemeteries.* *Sec.* 489 (11, 12).
" *Graves.* *Sec.* 489 (13).
" *Cruelty to Animals.* *Sec.* 489 (14).
" *Dogs.* *Sec.* 489, (15, 16).
" *Scaofflding.* *Sec.* 489 (16a).
" *Fences.* *Sec.* 489 (17).
" *Division Fences.* *Sec.* 489 (18, 19).
" *Snow Fences.* *Sec.* 489 (20).
" *Water-courses.* *Sec.* 489 (21).
" *Weeds.* *Sec.* 489 (22).
" *Filth in Streets.* *Sec.* 489 (23).
" *Burning Stumps, Brush, etc.* *Sec.* 489 (24).
" *Storing and Transporting Gunpowder.* Sec. 489 (24 a.)
" *Exhibitions, Shows, etc.* *Sec.* 489 (25, 26).
" *Trees.* *Sec.* 489 (27).
" *Injury to property and notices.* *Sec.* 489 (28, 29).
" *Gas and Water Companies.* *Sec.* 489 (30, 31).
" *Giving Intoxicating Liquors to Minors, etc.* *Sec.* 489 (32).
" *Public Morals.* *Sec.* 489 (33-40).
" *Nuisances.* *Sec.* 489 (41-46*a*).
" *Sewerage and Drainage.* *Sec.* 489 (47-49).
" *Inspection of Meat, Milk, etc.* *Sec.* 489 (50-53).
" *Licensing Milk Dealers.* *Sec.* 489 (54).
" *Contagious Diseases.* *Sec.* 489 (55).
" *Establishment of Boundaries.* *Secs.* 489 (56), 491.
" *Acquisition of Land outside the limits.* *Sec.* 489 (57).
" *Weighing Machines.* *Sec* 489 (58).
" *Pounds.* *Sec.* 490.
" *Extension of Sewers.* *Sec.* 492.
" *Lock-up Houses.* *Secs.* 458, 459.
" *Tavern and Shop Licenses.* *See* R. S. O. c. 194.

By-laws may be made for—

489. The council of every township, city, town or incorporated village may pass by-laws—

Polling

Polling Subdivisions.

1. For dividing the wards of such city or town, or for dividing such township or incorporated village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any ward, township, village or polling subdivision exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200; Dividing city or town into wards, etc. And townships and villages into polling subdivisions, etc.

(*a*) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections; and the polling subdivisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, except that the municipal council of every city, town or incorporated village, may by by-law unite, for the purpose of municipal elections, any two adjoining polling subdivisions. Polling subdivisions to be the same for elections to Legislative Assembly and municipal elections. Adjoining subdivisions may be united for Municipal elections.

(*b*) Where a polling place has been fixed by by-law for the holding of any election, or the taking of any vote in any township, city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable for the purpose, the clerk of the municipality shall have the power to choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid. R.S.O. c. 184, s. 489 (1); 54 V. c. 42, s. 17. In certain cases clerk may choose polling place.

(*c*) An election shall not be irregular or void or voidable, for the reason that a polling sub-division is not or has not been divided which contains more than 200 voters so long as it does not contain more than 300 voters. 52 V. c. 36, s. 23. Election not to be voided if sub-division is wrongly divided.

Disqualification of Electors not paying Taxes.

2. For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes due by him on or before the 14th day of December next preceding the election. *See also sec.* 251. Disqualifying electors in arrear for taxes.

Water

Water and Waterworks.

Constructing water-works.

3. For constructing building, purchasing, improving, extending, holding, maintaining, managing and conducting waterworks and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in *The Municipal Waterworks Act.*

Rev. Stat. c. 192.

For compelling use of water supply.

4. For compelling the use of water, supplied by the water works of the city, town, township or village, for drinking and domestic purposes, within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purposes.

Reduction of Sinking Fund.

Reduction of sinking fund.

5. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws; provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly; provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Billiard or Bagatelle Tables.

Licensing and regulating the use of billiard and bagatelle tables.

6. For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises, any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force;

Victualling Houses, etc.

Victualling houses, etc., number and regulation of.

7. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public;

License and fees for same.

8. For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding $20;

Licensing

Licensing Transient Traders.

9. For licensing, regulating and governing transient traders and other persons who occupy premises in the city or town, incorporated village, or township, for temporary periods, and whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction, or in any other manner conducted by themselves or by a licensed auctioneer or otherwise but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the county in which the insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment; R.S.O. c. 184, s. 489 (2-9). Regulating transient traders.

9*a* Or for requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum, in cities and towns, not to exceed $100, and in other municipalities not to exceed $50 by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality; but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the local municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment; 51 V. c. 28, s. 23; 53 V. c. 50, s. 19. Licensing transient traders.

Schools.

10. For obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of public schools according to law; R. S. O. c. 184, s. 489 (10). Acquiring land for public schools, etc.

Cemeteries.

11. For accepting or purchasing land for public cemeteries as well within as without the municipality, but not within any city, town or incorporated village, except as Acquiring land for cemeteries, etc.

hereinafter

Proviso.

hereinafter provided, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying-ground or cemetery, or the cemetery company owning any burying-ground or cemetery, may agree for the sale or transfer thereof to the municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof;

Selling portion of such land for certain purposes.

(*a*) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held;

(*b*) Provided, however, that the municipal council of an incorporated village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality;

(*c*) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the board or not, shall be paid by the village municipality to the secretary of the board. R.S.O. c. 184, s. 489 (11); 51 V. c. 28, s. 22. *See* R. S. O. cc. 175, 176.

Enlargement of Cemeteries.

For taking lands for enlarging cemeteries.

12. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained;

Reference to arbitration.

(*a*) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act, respecting arbitrations, as to compensation for lands taken.

(*b*)

(*b*) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.

(*c*) If the arbitrators award that the lands shall be taken for such cemetery, or burying ground, one copy of the award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.

Certain lands not to be taken except with consent of owner.

(*d*) No lands used as an orchard, pleasure ground or garden, nor any lands within two hundred yards of any dwelling house, shall be expropriated without the consent of the owner or owners of such dwelling-house.

Boundaries to be described in award.

(*e*) The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein.

Sub-ss 11 and 13 to apply.

(*f*) All the provisions of sub-sections 11 and 13 of this section shall, as far as applicable, apply to the lands acquired under this sub-section.

Protection of Graves.

Protecting graves.

13. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred;

Cruelty to Animals.

Preventing cruelty to animals, and destruction of birds.

14. For preventing cruelty to animals; and for preventing the destruction of birds; the by-laws for these purposes not being inconsistent with any statute in that behalf;

Dogs.

Regulations as to dogs.

15. For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs;

Killing dogs.

16. For killing dogs running at large contrary to the by-laws. R.S.O. c. 184, s. 489 (12-16).

Scaffolding

Construction of building scaffolding

16*a*. For inspecting and regulating the construction and erection of hoists, scaffoldings and other constructions used in the erecting, repairing, altering or improving buildings, chimneys, or other structures; and for making all necessary regu-

lations for the protection and safety of workmen and other persons employed thereon, and for appointing inspectors of scaffolding. 54 V. c. 42, s. 18.

Fences.

Fences.

17. For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof; *See sec.* 511 (3).

Division Fences.

Division fences, and cost thereof.

18. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water-courses shall continue applicable to the municipality. R.S.O. c. 184, s. 489 (17-18).

Provision until by-laws made. Rev. Stat. cc. 219, 220.

Barbed-wire fences.

19. For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; and in towns and cities for wholly prohibiting the construction or erection of fences made wholly or in part of barbed wire or any other barbed material, along streets and public places. R.S.O. c. 184, s. 489 (19); 53 V. c. 50, s. 18.

Snow Fences.

Snow fences.

20. For requiring owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence or fences, subject to the provisions of *The Act respecting Snow Fences*; *See* sec. 511 (3).

Rev. Stat. c. 198.

Water-courses.

Water-courses.

21. For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course;

Weeds.

Prevention of growth of thistles and weeds.

22. For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his

duties,

duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties; *See also* R.S.O. Cap. 202.

Filth in Streets.

23. For preventing persons from throwing any dirt, filth, carcases of animals, or rubbish, on any street, road, lane, or highway; Preventing throwing of dirt, etc., in streets, etc.

Burning Stumps, Brush etc.

24. For regulating the times during which stumps, wood, logs, trees, brush, straw, shaving, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times. *See* R.S.O. Cap. 213. Regulating the burning of stumps, trees brush, etc.

Storing and Transporting Gunpowder.

24*a*. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support by fees, of magazines for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor. *See* R. S. O. c. 184, s. 496 (9). Storing and transportation of gunpowder.

Exhibitions, Places of Amusement, etc.

25. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement; and for requiring the payment of license fees for authorizing the same, not exceeding $500 for every such license; and for imposing fines to an amount not exceeding the amount of the said license fee on persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month; Regulating public shows, and licensing same. Fines for infraction.

(*a*) It shall not be lawful for the council of any municipal corporation, or the commissioners of police in any city, to grant licenses or license certificates to persons having exhibitions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares, or merchandise of whatever descrip- Licenses not to be granted for certain times and places.

tion,

tion, for gain on the days of the exhibition of the Agricultural Association of Ontario, or of any electoral district or township agricultural society, either on the grounds of such society, or within the distance of 300 yards from such grounds.

Exhibitions, etc.

26. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement.

Trees.

Encouraging planting of certain trees, etc.

27. For allowing to any person who plants fruit trees or trees, shrubs or saplings, suitable for affording shade on any highway within the municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted ; *See* R.S.O. Cap. 201.

Injuries to Property and Notices.

Ornamental trees.

28. For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament; and the defacing of private or other property by printed or other notices ;

Signs.

29. For preventing the pulling down or defacing of sign-boards, or of printed or written notices lawfully affixed;

Gas and Water Companies.

Authorizing gas and water companies to lay down pipes, etc.

30. For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit;

Taking stock in gas and water companies.

Proviso.

Head of corporation to be a director in certain cases.

31. For acquiring stock in, or lending money to, such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any corporation holding stock in such company to the amount of $10,000 shall be, *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors ;

Giving Intoxicating Liquors to Minors, etc.

Sale of intoxicating drink to children, etc.

32. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector ;

Public

Public Morals.

33. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; Indecent placards, etc.

34. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; Vice, drunkenness, etc.

35. For suppressing disorderly houses and houses of ill-fame; Lewdness.

36. For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein; Gaming.

37. For preventing horse racing; Racing.

38. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place; and in cities and towns any such by-law may provide that the chief constable of the municipality or the inspector in charge of any police station to which any person is brought on the charge of being drunk without being disorderly may, in any case where it is so far as known to said officer a first or second arrest for such offence, release such person without bringing him before a justice of the peace or police magistrate; and any person arrested for the said offence shall be a competent witness on his own behalf. Vagrants. Release of persons arrested for drunkenness without trial.

39. For preventing indecent public exposure of the person and other indecent exhibitions. Indecent exposure.

40. For preventing or regulating the bathing or washing the person in any public water in or near the municipality. Bathing.

Nuisances.

41. For preventing and abating public nuisances; Nuisances.

42. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells; for preventing the fouling of the same and the wasting of water therein or therefrom; for procuring an analysis of such water, and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water; By-laws for cleansing wells, etc.

43. For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may, in the judgment of the council, be dangerous to health; Closing and filling up cesspools, etc.

Slaughter-houses, gas-works, distilleries, etc.

44. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances;

Limits in which animals may be kept.

45. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept;

Ringing of bells, etc.

46. For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants;

Disturbances of the Peace.

46*a*. For preventing or regulating the firing of guns or other firearms; and the firing or setting off of fireballs, squibs, crackers or fireworks, and for preventing charivaries and other like disturbances of the peace;

Sewerage and Drainage.

Construction of cellars, drains, etc.

47. For regulating the construction of cellars, sinks, cesspools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same;

Filling up, draining, etc., grounds, yards, etc.

48. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains;

Regulations for sewerage, etc.

49. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes;

Inspection of Meat, Milk, etc.

Tainted provisions.

50. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food;

Regulating sales, etc.

51. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed, subject to the restrictions contained in sections 497-502;

Bread.

52. For preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; *See Sec.* 479 (21).

Inspection of milk and provisions.

53. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops;

Licensing Milk Dealers.

Licensing milk dealers.

54. For licensing and regulating milk vendors, and for fixing the fee to be paid for such license at a sum not to exceed $1 for one year;

Contagiou

Contagious Diseases.

55. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the public health or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. Contagious diseases.

Establishing Boundaries.

56. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. Regulating boundaries of municipalities.

Acquiring Land outside the limits for Public Purposes.

57. For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of such township, city, town or incorporated village; but such lands so acquired shall not form part of the municipality of such township, city, town, or incorporated village, but shall continue and remain as of the municipality where situate; and all by-laws passed by township councils for the purpose of acquiring land as provided by this subsection, are hereby declared as legal and binding where the by-laws have not been contested or impeached before the 23rd day of April, 1887, as if the lands were within the limits of the municipality the council of which passed the by-law. Acquiring land outside of municipality.

Weighing Machines.

58. For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by sub-section 8 of section 497 of this Act. R. S. O. c. 184, s. 489 (20-58). Erecting and maintaining weighing machines.

Pounds, etc.

490. The council of every township, city, town and incorporated village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)— By-laws may be made for.

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound; Providing pounds.

2.

Animals running at large.

2. For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising the damages.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to the laws of Ontario or of the municipality;

Compensation with respect to impounding animals.

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. R. S. O. c. 184, s. 490. *See* R. S. O. c. 215.

Placing landmarks and monuments or marking boundaries of concessions, lots, etc.

491.—(1) In case the council of any township, city, town or incorporated village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor, in the manner provided for in sections 38, 39 and 40 of *The Act respecting Land Surveyors and the Survey of Lands*, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands.

Rev. Stat. c. 152, ss. 38-40.

Cost of survey.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. R. S. O. c. 184, s. 491.

Extension of Sewers.

Extension of sewers into adjoining municipality.

492.—(1) In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, such township, city, town, or incorporated village so situated, shall be permitted and have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference, then upon such terms and conditions as shall be determined by arbitration, under the provisions of this Act in that behalf.

(2)

(2) In any case where the council of any municipality shall object to allow an adjoining municipality to connect a sewer with any existing sewer or extend a sewer through its territory, as above provided, then and in every such case the arbitrators shall not only determine the terms and conditions upon which the connection or extension shall be allowed to be made; but also whether the connection or extension should, under the circumstances, be permitted or allowed to be made, but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein affect the provisions of *The Ditches and Water-courses Act.* Rev. Stat. c. 220.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. R. S. O. c. 184, s. 492.

For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see secs. 458, 459; *and as to Tavern and Shop Licenses, see* R. S. O. c. 194.

DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES AND TOWNS.

Respecting Plumbers. Sec 493 (1).
" *Accidents by Fire. Sec* 493 (2).

493. The council of every township, city and town may pass by-laws: Power to pass by-laws.

Plumbers.

1. For licensing and regulating plumbers. Licensing plumbers.

Prevention of Accident by Fire.

2. For making better provision for securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement, against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height. R. S. O. c. 184. s. 493. Providing against accidents by fire.

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES AND CITIES

Horse Thieves. See 494.

494. The council of every county or city shall provide by by-law, that a sum not less than $20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county or city, and such reward shall be paid out of the funds of the corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. R. S. O. c. 184, s. 494. Reward for apprehension of persons guilty of horse stealing

DIVISION

DIVISION V.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

Respecting Engineers, Inspectors, Gaol Surgeons, etc. Sec. 495 (1).
" *Auctioneers and Bill-Posters.* Sec. 495 (2).
" *Hawkers and Pedlars.* Sec. 495 (3).
" *Ferries.* Sec. 495 (4).
" *High Schools.* Sec. 495 (5, 6).
" *Support of pupils at High Schools, Toronto University and U. C. College.* Sec. 495 (7, 8).
" *Endowment of Fellowships.* Sec. 495 (9).
" *Public Fairs.* Sec. 495 (10).
" *Junk Shops, etc.* Sec. 495 (11-12).
" *Schools for Artisans.* Sec. 495 (13, 14).

By-laws may be made for—

495. The council of any county, city and town separated from the county for municipal purposes, may pass by-laws for the following purposes:

Engineers—Inspectors—Gaol Surgeons, etc.

Appointing engineers, inspectors, gaol surgeons, etc.

1. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers; R. S. O. c. 184, s. 495 (1).

Auctioneers and Bill-Posters.

Licensing, etc., auctioneers.

2. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force;

Bill-posters.

and for licensing, regulating and governing bill-posters, and for fixing the sum to be paid for every such license, and the time it shall be in force; R. S. O. c. 184, s. 495 (2); 53 V. c. 50, s. 20.

Hawkers and Pedlars.

Hawkers, petty chapmen, etc.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and ffr fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force:

In case of counties for providing at the discretion of the council, either the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses, in

this

this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws:

Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer: Proviso.

And provided also that nothing herein contained shall affect the powers of any council to pass by-laws, under the provisions of section 496 of this Act. Proviso.

(*a*) The word "hawkers" in this sub-section shall include all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods, watches, plated ware, silver ware, or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise. Interpretation "Hawkers."

(*b*) The provisions of any by-law passed or enacted by any municipal council prior to the first day of October, 1885, shall not be held as extending to any persons who, by this sub-section are to be held as included within the meaning of the word "hawkers."

Ferries.

4. For licensing and regulating ferries between any two places within the municipality, under the provisions of *The Act respecting Ferries*, and establishing the rate of ferriage to be taken thereon; but no such law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council, but the powers by this sub-section conferred on county councils shall not extend to a ferry between any two places within the same township. Licensing, etc. ferries, etc. Rev. Stat. c. 117, s. 14.

(*a*) Until the council passes a by-law regulating such ferries and in the case of ferries not between two places in the same municipality, the Lieutenant-Governor, by Order in Council, may, from time to time, regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the statutes in force relating to ferries. Until by-law passed, Lieut.-Governor in Council to regulate.

Lands

High Schools.—High School Trustees.

Establishing High Schools.

5. For establishing high schools and appointing high school trustees, subject to *The High Schools Act*, and for obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required;

Aiding High Schools.

Aiding High Schools.

6. For making provisions in aid of such high schools as may be deemed expedient, notwithstanding anything contained in this Act or in *The High Schools Act*, the county council of any union of counties may pass a by-law for the purpose of apportioning the amount to be levied for high school purposes, so that each county forming such union shall be liable only for the maintenance of the high schools situated within such county.

Supporting Pupils at High Schools, Toronto University and Upper Canada College.

Supporting certain High School pupils at University of Toronto and U. C. College, etc.

7. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College in Toronto, of such of the pupils of the public high schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College; *See* R. S. O. c. 226, s. 36 (4).

Similar provision for attendance at High Schools.

8. For making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality; *See* R. S. O. c. 226, s. 36 (5).

Endowing Fellowships.

Endowing fellowships, etc., in University of Toronto and U. C. College.

9. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College at Toronto, for competition among the pupils of the public high schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof; *See* R. S. O. c. 226, s. 36 (6).

Public

Public Fairs.

10 For authorizing, on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes; Authorizing the holding, etc., of public fairs, and regulating same.

(*a*) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement. Purpose of such fairs restricted.

(*b*) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair. Rules to be made for governing same.

(*c*) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. Public notice of by-law establishing same.

Junk Shops and Noxious Trades.

11. For licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for a license so to have or keep such "junk" store or shop. R. S. O. c. 184, s. 495 (3-11). Licensing and regulating "junk" shops.

12. For defining the areas within which tanneries hereafter erected, rag, bone, or "junk" shops, or other industries of a noxious or unhealthy character may not be carried on within the said municipality. 53 V. c. 50, s. 21. Defining districts within which certain trades may be carried on.

Schools for Artisans.

13. For establishing schools for the training and education of artisans, mechanics and workingmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools; and for erecting and maintaining suitable buildings thereon; and for improving and repairing such school buildings, and for disposing of such property when no longer required. Establishment of schools for artisans.

(*a*) The councils of any municipalities establishing such schools may appoint boards of trustees or managers to conduct the schools, giving them such authority or power for the management of the same, as the councils may deem expedient. 54 V. c. 42, s. 19, *part*.

Aiding

Aiding Schools for Artisans.

Aid to such schools.

14. For making grants in aid of such schools as may be deemed expedient. 54 V. c. 42, s. 19, *part.*

For powers of Counties, Cities and Towns as to Houses of Refuge, See sec. 460.

DIVISION VI.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

Respecting Light and Heat. Sec. 496 (1).
" *Begging in the Streets. Sec.* 496 (2).
" *Enclosure of Vacant Lots. Sec.* 496 (4).
" *Driving upon Sidewalks. Sec.* 496 (5).
" *Importuning Travellers. Sec.* 496 (6).
" *Interments. Sec.* 496 (7, 8).
" *Erection of Hoists and Elevators. Sec.* 496 (9*a*).
" *Wooden Buildings. Sec.* 496 (10).
" *Dwellings on Narrow Streets. Sec.* 496 (10*a*).
" *Prevention of Fires. Sec.* 496 (11-24).
" *Removal of Snow, Ice, Dirt. Sec.* 496 (25).
" *Removal of obstructions to Wharves, Waters, etc. Sec.* 496 (26).
" *Obstruction of Roads and Streets. Sec.* 496 (27, 28).
" *Numbering Houses and Lots—Record of Streets. Sec.* 496 (29, 30).
" *Naming Streets. Sec.* 496 (31).
" *Cellars. Sec.* 496 (32, 33).
" *Sewerage and Drainage. Sec.* 496 (34, 35).
" *User of Streets. Sec.* 496 (36, 37).
" *Cab Stands. Sec.* 496 (38).
" *Telegraph Poles. Sec.* 496 (39).
" *Children riding behind waggons. Sec.* 496 (40).
" *Sale of Tobacco. Sec.* 496 (41).
" *Inspection of Bathing and Boat Houses. Sec.* 496 (42).
" *Night Watchmen. Sec.* 496 (43).
" *Markets, etc. Secs.* 497-502, 503 (1-11).
" *Assize of Bread. Sec.* 503 (12).

By-laws may be made for—

496. The council of every city, town and incorporated village may pass by-laws :

Light and Heat.

Rev. Stat. c. 191.

1. For manufacturing and supplying light and heat under *The Municipal Light and Heat Act.*

Begging

Begging in the Streets.

2. For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity; Prevention of begging, etc.

[*Rev. Stat. c. 184, s. 496, sub-s. 3 repealed. See Municipal Amendment Act, 1892, section 43.*]

Enclosure of Vacant Lots.

4. For causing vacant lots to be properly enclosed; Vacant lots.

Driving upon Sidewalks.

5. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor; Driving, etc., upon sidewalks.

Importuning Travellers.

6. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; Importuning travellers.

Interments.

7. For regulating the interment of the dead, and for preventing the same taking place within the municipality; Interments.

8. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; Bills of mortality.

[*Rev. Stat. c. 184, s. 496, sub-s. 9 repealed. See Municipal Amendment Act, 1892, section 44.*]

Erection of Hoists and Elevators.

9*a*. For regulating the construction of cranes, hoists and elevators and determining the manner in which elevators in buildings shall be constructed and worked (whether automatically or otherwise) and for providing for the inspection of all cranes, hoists and elevators, but none of the provisions of the by-laws shall be inconsistent with *The Factory Act* so far as the same provides for the regulation or construction of cranes, hoists and elevators. 53 V. c. 50, s. 22. Erection of hoists and elevators.

Wooden Buildings.

10. For regulating the erection of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, town, or village; and also for prohibiting the erection or placing of buildings, Regulating erection of buildings and fences.

other

other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire-proof; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law; R. S. O. c. 184, s. 496 (10).

Establishment of fire limits.

Dwellings on Narrow Streets.

Dwellings on narrow streets.

10*a*. For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts. 52 V. c. 36, s. 24.

Preventing Fires.

Fire companies, etc.

11. For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property saving companies;

Medals and rewards. Aid to widows.

12. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting, the widows and orphans of persons who are killed by accident at such fires;

Fire in stables, etc.

13. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places;

Dangerous manufactories.

14. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire;

Chimneys, stoves, etc.

15. For preventing, and for removing or regulating, the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire;

Regulating construction etc., of chimneys.

16. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same, and for compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein;

Ashes.

17. For regulating the mode of removal and safe keeping of ashes;

Party walls.

18. For regulating and enforcing the erection of party walls;

19.

19. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; Scuttles, ladder, etc., to houses.

20. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; Guarding buildings against fire.

21. For requiring the inhabitants to provide so many fire buckets, in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; Fire buckets.

22. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; Inspection of premises.

23. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; Preventing spreading of fire.

24. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; Enforcing assistance at fires.

Removal of Snow, Ice, Dirt.

25. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates. Removal of snow, etc. Cleaning of sidewalks, streets, etc.

(*a*) The council may, in the by-law passed for the purposes of this sub-section, define certain areas or streets within the municipality, within or upon which the by-law shall be operative.

Removal of obstructions from wharves, waters, etc.

26. For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same. By-laws to regulate the cleanliness of wharves, docks, etc.

Obstruction of Roads or Streets.

Preventing obstruction and fouling of streets, etc.

27. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication;

Removal of door-steps, etc.

28. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found;

Numbering Houses and Lots.

Numbering houses, etc.

29. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot, with the expense incident to the numbering of the same;

Record of streets, numbers, etc.

30. For keeping (and every such council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection.

Naming Streets.

For marking the boundaries of and naming streets, etc.

31. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect unless passed by a vote in favour thereof of at least three-fourths of the whole council, nor unless and until the by-law has been registered in the registry office of the registry division; and the registrar shall be entitled to a fee of $1 for every by-law so registered, and for the necessary entries and certificates in connection therewith. R. S. O. c. 184, s. 496 (11-31).

(*a*) Every by-law changing the name of a street in a city or town, shall state the reason for the change, and shall not be finally passed until the same has been approved by the County Judge. 54 V. c. 42, s. 20.

(*b*) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and persons who may

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deem themselves aggrieved thereby and may desire to be heard, and any other persons the Judge may think fit.

(*c*) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in the *Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.

(*d*) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before. R. S. O. c. 184, s. 496, (31 *b. c. d.*)

Levels of Cellars—Plans.

Ascertaining levels of cellars, etc.

32. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws;

Compelling the furnishing of ground or block plan of buildings to be erected.

33. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws;

Sewerage and Drainage.

Charging rent for sewers.

34. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid;

Acquiring land in another municipality for drainage purposes.

35. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town, or incorporated village, and for providing an outlet for such waters through any other municipality, and for opening, making, preserving and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this sub-section shall be exercised; Proviso.

User

User of Streets.

Regulating traffic on streets and width of wheels.

36. For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law;

Coasting and tobogganing.

37. For prohibiting or regulating the practice of coasting or tobogganing on the public streets;

Cab Stands.

Cab stands.

38. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth; R. S. O. c. 184, s. 496 (32-38).

Proviso.

Telegraph Poles.

Telegraph poles.

39. For regulating the erection and maintenance of electric light, telegraph and telephone poles and wires within their limits; R. S. O. c. 184, s. 496 (39); 54 V. c. 42, s. 21.

Children Riding behind Vehicles.

Preventing children from riding behind waggons, etc.

40. For preventing children from riding on the platform of cars, or behind waggons and other vehicles, and for preventing accidents arising from such causes;

Sale of Tobacco.

Regulating sale of tobacco.

41. For licensing and regulating the owners and keepers of stores and shops other than taverns and shops holding licenses under *The Liquor License Act* where tobacco, cigars or cigarettes are sold by retail;

Rev. Stat. c 194.

Inspection of Bathing and Boat Houses.

Inspection of bathing and boat-houses.

42. For inspecting public bathing houses and boat-houses or premises wholly or partly used for boat-house purposes, and for preventing the use thereof for illegal or immoral purposes; R.S.O. c. 184, s. 496 (40-42)

Night

Night Watchmen.

43. For appointing, employing and paying a night-watchman or watchmen, for the purpose of patrolling at night or between certain hours of the night, any street or streets or such portion or portions thereof within the municipality as may by such by-law be defined, and of guarding and protecting the property, real and personal, within the limits thereby defined; Appointment of night-watchman.

(*a*) For levying by special rate upon all the real property within the limits defined by the by-law, except vacant lots, all the expenses of or incidental to such employment of such night-watchman or watchmen in the same manner and at the same time as payment of the other rates or taxes within the municipality is enforced; Special rate to be levied.

(*b*) No such by-law shall be passed except upon petition therefor by two-thirds of the freeholders and householders who, upon the passing thereof, would become liable to be charged with the expenses to be incurred thereunder, and who represent as value at least two-thirds of the assessed real property thereon liable to be charged with such expenses; Petition by ratepayers.

(*c*) No such petition shall be received or acted on by the council unless, and until all the signatures thereon are proved by the affidavit of a reliable and competent witness to be the genuine signatures of the persons whose signatures they purport to be, and that the contents thereof were made known to each person signing the same before signature; Proof of signatures.

(*d*) As between the landlord and tenant of premises comprised within the limits defined by said by-law, the tenant shall be liable for the expenses to be levied thereunder, for the period or time of his occupation, unless there is an express agreement to the contrary. 52 V. c. 36, s. 25. Liability of tenant.

Markets, etc.

497.—(1) No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market, or to the market place, for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. Market fees on certain products abolished.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. When fees may be charged on butter, etc., brought to market.

(3)

Fees not to be charged on articles delivered in pursuance of prior contract.

(3) When the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof, or on the vehicle in which the same is so brought.

When fees not to be charged, though no prior contract.

(4) Where there is no prior contract as mentioned in the previous sub-section, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of the municipality.

Restriction as to by-laws requiring articles to be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured.

Limit of time for enforced sale of goods at market.

(6) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place; Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained.

Scale of market fees.

(7) No market fees shall be imposed by any municipality higher than those contained in the following scale:

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than.....10 cents.
Upon articles brought to the market place in a vehicle drawn by one horse, not more than.....5 cents.
Upon articles brought to the market place by hand or in any basket or vessel, not more than.....2 cents.
Upon or in respect of live stock driven to or upon the market place for sale, as follows:
Every horse, mare, or gelding, not more than..10 cents.
Every head of horned cattle, not more than.....5 cents.
Every sheep, calf, or swine, not more than.....2 cents.

Scale of fees for weighing or measuring.

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:

For weighing a load of hay.....15 cents
For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds.....2 cents.

Over

Over one hundred pounds, and up to one thousand pounds.....5 cents.
Over one thousand pounds.....10 cents.
For weighing live animals, other than sheep or pigs, per head.....3 cents.
Sheep or pigs, if more than five, per head.....1 cent.
If less than five, for the lot.....4 cents.
For measuring a load of wood .....5 cents.

(9) Subject to the other provisions of this section, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise. R.S.O. c. 184, s. 497. Regulation of sale and traffic.

498.—(1) The preceding section shall not apply to any municipality which shall pass, and so long as it shall keep in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof. Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees;

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as shall voluntarily use the market place for the purpose of selling such articles. but such by-law may impose fees on persons voluntarily using market;

(3) The by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee; but this sub-section shall not apply to grain, seeds, dressed hogs or wool. and on others taking advantage of market.

(4) The by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned; nor shall the by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained. By-law not to interfere with sales to persons carrying on business in vicinity of market.

(5) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by the municipality on the 1st day of March, 1882. Restriction on fees.

(6)

Fees not to be charged on markets made in streets.

(6) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on, or out of any street or part of any street within said municipality: Provided always that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. R.S.O. c. 184, s. 498.

Preceding section not to apply when no fees are charged.

499. The preceding section shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but sections 497, 500 and 501 shall apply to such municipality in the event of market fees being thereafter charged or imposed therein. R.S.O. c. 184, s. 499.

Power to regulate sales when no fees are charged.

500. Nothing in the preceding sections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882: Provided always that market fees within the meaning of this section shall not include fees for weighing or measuring; Provided further, that after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places. R.S.O. c. 184, s. 500.

Inconsistent enactments to be of no effect.

501. When and so long as section 497 shall be in force and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality; and when and as long as section 498 shall be in force in and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality. R.S.O. c. 184, s. 501.

Right to lease market fees.

502. Subject to the provisions of the last preceding five sections, every municipality shall have the power to sell, assign, or lease its market fees. R.S.O. c. 184, s. 502.

Market by-laws.

503. The council of every city, town and incorporated village may, subject to the restrictions and exceptions contained in the last preceding six sections, also pass by-laws:

Establishing markets.

1. For establishing markets;

Regulating markets.

2. For regulating all markets established and to be established; the places, however, already established as markets in

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the municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality shall continue to be vested in the corporation thereof; Old markets continued.

3. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale; Regulating vending in streets, etc.

4. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor; and also for preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto; R.S.O. c. 184, s. 503 (1-4). Sale of grain, meat, farm produce, small ware, etc.

5. For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding $50 in cities and $25 in towns and incorporated villages to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the council, but nothing herein contained shall affect the powers conferred in the preceding sub-section; provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale of fresh meat in quantities less than by the quarter carcase within the said municipality by anything contained in sections 497 or 500 of this Act; R.S.O. c. 184, s. 503 (5); 53 V. c. 50, s. 23, *part*. Regulating sale of meat.

6. For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market; R.S.O. c. 184, s. 5, 503 (6); 53 V. c. 50, s. 23, *part*. Preventing forestalling, etc.

7. For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners; Regulating hucksters, etc.

8. For regulating the measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; Measuring, etc., certain articles.

9. For imposing penalties for light weight or short count or short measurement in anything marketed; *See sec.* 479 (21). Penalties for light weight, etc.

10. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid; Regulating vehicles used in market vending.

Sale of meat, distrained.

11. For selling, after six hours' notice, butchers' meat distrained for rent of market stalls; R.S.O. c. 184, s. 503, (7-11).

Assize of Bread.

Assize of bread.

12. For regulating the assize of bread. R.S.O. c. 184, s. 503 (12). *See* Sec. 479 (21).

DIVISION VII.—POWERS OF COUNCILS OF CITIES AND TOWNS.

Respecting Police. *Sec.* 504 (6-7).
" *Industrial Farms—Exhibitions.* *Sec.* 504 (8-10).
" *Almshouses—Charities.* *Sec.* 504 (11).
" *Corporation Surveyor.* *Sec.* 504 (12).
" *Gas and Water.* *Sec.* 504 (13), 505-508.
" *Street Railways.* *Sec.* 504 (14-16), 505.

By-laws may be made for—

504. The council of every city and town may pass by-laws:

[*Rev. Stat. c.* 184, *s.* 504, *sub-ss.* 1 *to* 5 *transferred to Sec.* 479 (24-28). *See* 35 V. c. 50, s. 24.]

Police.

Police.

6. For establishing, regulating and maintaining a police but subject to the other provisions of this Act;

Superannuation and benefit funds for fire and police force.

7. For aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established;

Industrial Farm—Exhibitions.

Industrial farms, parks, etc.

8. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town; *See secs.* 460, 462.

Buildings thereon.

9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions as the council deems necessary;

Managing the same.

10. For the management of the farm, park, garden, walk or place for exhibitions and buildings;

Almshouses

Almshouses—Charities.

Almshouses, etc.

11. For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town; *See sec.* 479 (12), *and as to Workhouses, sec.* 462.

Corporation Surveyor.

Corporation surveyor.

12. For appointing any provincial land surveyor to be the corporation surveyor;

Gas and Water.

Construction of gas and water works.

13. For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years, nor less than five years. R S O. c. 184, s. 504 (6-13).

Street Railways.

Street railways.

14. For building, equipping, maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant-Governor in Council may approve, and for leasing the same from time to time on such terms as may be determined on, and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years, provided that the powers conferred by this sub-section shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company.

15. A municipal corporation which builds, constructs, owns, or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same shall conflict or be inconsistent with or be repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from the obligations and liabilities in respect of roads, streets, highways or bridges as provided by this Act. 53 V. c. 50, s. 25.

Rev. Stat. c. 171.

Power to operate extension of street railway in adjoining municipality.

16. In addition to the powers given and contained in sub-section 14 of this section any city or town operating or proposing or intending to build or operate a street railway within its

its own limits may also pass by-laws for building, equipping, maintaining and operating any extension of any such street railway in any adjoining municipality with the consent of such adjoining municipality by by-law, and subject to and upon such terms as the Lieutenant-Governor in Council may approve, upon the same terms and subject to the same conditions and provisions of law as any street railway company may build, maintain or operate any street railway under *The Street Railway Act* or any amendments thereof; and such city or town building, constructing, owning or managing a street railway extending beyond its territorial limits and authorized as aforesaid and with the consent aforesaid shall not be held to be illegally expending money, merely because it is expended upon or in connection with such portion of said street railway as may extend beyond its territorial limits. 54 V. c. 42, s. 23.

Rev. Stat., c. 171.

Estimate to be published, and notice of taking poll on by-law.

505. No by-law under sub-sections 13 and 14 of the preceding section shall be passed—

Firstly:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length, as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;

Poll to be held and majority must be in favour.

Nor, secondly:—Until, at a poll held in the same manner and at the same places and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law

By-law to be passed within three months.

Nor, thirdly:—Unless the by-law is passed within three months after holding the said poll.

Provided always that where any city or town shall have constructed gas or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act, 1882*, or under the authority of any special Act or Acts, or shall hereafter construct such works under the authority of the said Acts or any future amendments of the same, and shall have raised the money for the purchase or construction of such works, or shall hereafter so raise the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city or town to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works or to pay the expense of any extensions or improvements thereof already made or completed wholly or in part from time to time

45 V. c. 22.

on

on the whole ratable property of the said corporation by by-laws to be passed as required by sub-section 13 of section 504 of this Act, and without complying with the requirements of this section, and it shall not be necessary to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same shall first be approved of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws, three-fourths of all the members of the council shall vote in favour of the same. R.S.O. c. 184, s. 505; 51 V. c. 28, s. 24; 53 V. c. 50, ss. 26, 27, 28; 54 V. c. 42, s. 32.

If by-law rejected.

506. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. R.S.O. c. 184, s. 506.

Provisions where there is a water company incorporated for the municipality.

507. In case there is any water company incorporated for the municipality, the council shall not levy any water rate until such council has, by by-law, fixed a price to offer for the works or stock of the company; nor until after thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company. R.S.O. c. 184, s. 507.

Proviso as to provisions in special Acts.

508. The foregoing clauses or any of them shall not be construed to apply to, or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation. R.S.O. c. 184, s. 508.

Division VIII.—Powers of Councils of Townships, Towns and Villages.

Respecting Borrowing Money for Drainage Purposes. *Sec.* 509, (1)

" *Grants to High Schools and Collegiate Institutes.* *Sec.* 509, (2)

509. The council of every township, town or village may pass by-laws—

Borrowing

Borrowing Money for Drainage Purposes.

Drainage.

1. For borrowing money and issuing debentures therefor, for the purposes and subject to the provisions of *The Tile, Stone and Timber Drainage Act.* R.S.O. c. 184, s. 509.

Rev. Stat. c. 38.

Grants to High Schools and Collegiate Institutes.

2. For making grants in aid of any high school or collegiate institute, or to build, preserve, enlarge or improve any high school or collegiate institute in any adjacent or other municipality. 51 V. c. 28, s. 25.

DIVISION IX.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

By-laws may be made for—

510. The council of every town and incorporated village may pass by-laws:

Licensing Vehicles, etc.

Regulating and licensing livery stables, cabs, etc.

For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof, and for defining localities or districts within the limits of which no livery or boarding stable shall hereafter be established. R.S.O. c. 184 s. 510; 52 V. c. 36, s. 27.

DIVISION IX*a*.—POWERS OF COUNCILS OF TOWNS.

By-laws for regulating teamsters, etc.

510*a*. The council of every town may pass by-laws;

Licensing Teamsters, etc.

For regulating and licensing teamsters, carters and draymen and regulating the charges for the conveyance of goods or for other services. 53 V. c. 50, s. 29.

DIVISION

DIVISION X.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

Respecting Protection of Booms. *Sec.* 511 (1).
" *Guaranteeing Debentures.* *Sec.* 511 (2).
" *Fences.* *Sec* 511 (3).
" *Width of Sleigh Runners.* *Sec.* 511*a*.
" *Livery Stables, etc.* *Sec.* 512.
" *Board of Audit—Criminal Justice Account.* *Secs* 513, 514.
" *Improvements by either County of a Union.* *Secs.* 515-519.
" *Support of Destitute Insane Persons.* *Sec.* 520.
" *Roads and Bridges.* *See sec.* 565.

511. The council of every county may make by-laws: By-laws may be made for—

Protecting Booms.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the municipality; Protecting booms.

Guaranteeing Debentures.

2. For guaranteeing debentures of any municipality within the county, as the council may deem expedient; Guaranteeing debentures.

Fences.

3. For the exercise, in respect of fences along highways, or parts thereof, which it is the duty of the council to maintain of the powers conferred upon the councils of townships, cities, towns and incorporated villages, by sub-sections 17 and 20 of section 489 of this Act. Fences.

(*a*) The council of every county shall be deemed and held to have had, and possessed on, from, and since the first day of February, 1883, the powers conferred by this sub-section, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county, for the taking down altering or removing any fence or fences which in the opinion of the council would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council have been or shall be fixed and prescribed. R.S.O. c. 184, s. 511 (1-3).

Width

Width of Sleigh Runners.

Width of sleigh-runners.

511*a*. (1). The council of any county may pass a by-law providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods on any of the roads or highways within the county, unless the runners thereof shall be apart from each other at the bottom, at least, three feet, nine inches; Provided that no such by-law shall apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

Power to exempt from by-law.

(2) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law, by any persons resident within the county.

When by-law to come in force.

(3) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or such further time as the council may determine upon. 51 V. c. 28, s. 26.

Livery Stables, etc.

Regulating and licensing livery stables, etc.

512. The council of every county, having county gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. R.S.O. c. 184, s. 512.

Tires.
Rates of Fare.

Board of Audit—Criminal Justice, etc.

County boards of audit.

513. Every county council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to the council, to be members of the board of audit for auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the General Quarter Sessions. R.S.O. c. 184, s. 513.

Payment of members of board.

514. The council may pay the members of the said board of audit any sum not exceeding $4 each per day for

their

their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. R.S.O. c. 184, s. 514.

Improvements by either County of a Union.

Enabling either county of a union to make improvements therein.

515. The councils of united counties may make appropriations and raise funds to enable either county, separately, to carry on such improvements as may be required by the inhabitants thereof. R.S.O. c. 184, s. 515.

Reeves, etc., of the county interested alone to vote. Exception.

516. Whenever any such measure is brought before the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. R.S.O. c. 184, s. 516.

Provisions of this Act for repayment to apply.

517. In all other respects, all the provisions of this Act making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised directly by taxation, shall be adhered to. R.S.O. c. 184, s. 517.

Treasurer to pay over moneys without deduction.

518. The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. R.S.O. c. 184, s. 518.

The property to be assessed in such cases.

519. The property to be assessed for the purposes contemplated in the last preceding four sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debentures shall be under the seal of the united counties, and be signed by the warden thereof. R.S.O. c. 184, s. 519.

Support of Destitute Insane Persons.

County council to make provision for the destitute insane.

520. The county council of each county shall, from time to time, make provision for the whole or partial support either in the county gaol or some other place within the county, of such insane destitute persons as cannot properly be admitted to the Provincial asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the county treasurer. R.S.O. c. 184, s. 520.

DIVISION Xa.—EXCLUSIVE POWERS OF COUNCILS OF CITIES.

Annual appropriation for travelling and other expenses.

520a.—The council of any city may include in the annual estimates a sum to be expended in the reception and entertainment of distinguished guests, and any travelling expenses necessarily incurred in and about the business of the corporation, which sum shall, in the case of cities having a population of 100,000 or over, be not more than $5,000; in the case of other cities having a population of 20,000 and over, not more than $1,000, and in the case of other cities, not more than $500 in any year. 54 V. c. 42, s. 37

Municipal aid to University of Toronto.

520b.—The council of every city with a population of 100,000 or over may pass a by-law or by-laws for granting aid to the University of Toronto and may create a debt therefor, and may issue debentures for the amount of such debt, and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless such amount shall exceed $500. 53 V. c. 50, s. 41.

DIVISION XI.—EXCLUSIVE POWERS OF COUNCILS OF TOWNSHIPS.

Respecting Statute Labour. *Sec.* 521 (1-8).
" *Town Halls.* *Sec.* 521 (9, 10).
" *Ferries.* *Sec.* 521 (11).
" *Purchasing Wet Lands.* *Sec.* 521 (12).
" *Boundaries of Marsh Lands.* *Sec.* 521 (13).
" *Nuisances.* *Sec.* 521 (14).
" *Dry Earth Closets.* *Sec.* 521 (15).
" *Obstructions to Streams and Water-Courses.* *Sec.* 521 (16-18), 522.
" *Portable Steam Engines.* *Sec.* 521 (19-20).
" *Repair of Roads.* *Sec.* 523.

By-laws may be made for—

521. The council of every township, may pass by-laws—

Statute Labour.

Commutation of statute labour.

1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding $1 for each day's labour;

Rate of commutation.

2. For providing that a sum of money, not exceeding $1 for each day's labour, may or shall be paid in commutation of such statute labour;

3.

3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively ; Fixing number of days' statute labour.

4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ; Enforcing statute labour.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended ; Regulating performance, etc.

6. For reducing the amount of statute labour to be performed by the ratepayers or others within the municipality, or for entirely abolishing such statute labour ; Reducing or abolishing.

7. For providing for the making and keeping open of township roads during the season of sleighing in each year, and for appointing overseers of highways, or pathmasters to perform that duty, and such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and may give to such persons as may be employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour ; Keeping roads open in winter.

8. For providing for the application of so much of the commutation of the statute labour fund, as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities ; Application of commutation.

Town Halls.

9. For acquiring lands in any town or incorporated village within, or partly within, the original boundaries of the township, for the purpose of erecting thereon a town hall, or for renting or acquiring a hall, within such town or village, for the purpose of a town hall ; Acquiring land for a town hall in a town or village.

10. Any township owning, renting or otherwise acquiring a town hall in any such town or village may hold at such town hall, any meeting, nomination, or election, or post at such town hall any notice, assessment roll, or voters' list, or do thereat any other act required by law to be held, posted or done in the township at the town hall, and any meeting of any mutual insurance company, or upon the formation thereof, which is required by any statute to be held in the municipality, may lawfully be held in such hall. Township and other meetings may be held and notices posted at such hall.

Ferries

Ferries.

Powers of townships as to ferries.

11. For licensing and regulating ferries between any two places within the township with the same rights and powers in respect thereof, and as to establishing rates as are conferred upon county councils by sub-section 4 of section 495 of this Act, and upon the same terms and conditions as are provided by said sub-section 4; but this shall not apply to any ferry for which a license had been granted prior to the 30th day of March, 1885, and was then running, until the expiry of such license.

Purchasing Wet Lands.

Purchase of wet lands from Government, &c.

12. For purchasing from the Government or any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Raising money for purchasing and draining same.

(*a*) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated.

May hold or dispose of such land.

(*b*) The corporation of a township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous.

Proceeds of sale.

(*c*) The proceeds of the sale of such lands shall form part of the general funds of the municipality.

Boundaries of Marsh Lands.

Boundaries of marsh lands.

13. For declaring that in the case of any lands, the boundary line, or any part of the boundary line whereof passes, through a marsh or swamp, or any land covered with water the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting Petty Trespasses*, if posts are put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post.

Rev. Stat. c. 101.

Nuisances

Nuisances.

14. For regulating slaughter houses and manufactures or trades which may prove to be nuisances ; Nuisances.

Dry Earth Closets.

15. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law ; R.S.O. c. 184, s. 521 (1-15). Dry earth closets.

Obstructions to Streams and Watercourses.

16. For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise ; Preventing obstruction of streams, etc.

17. For levying the amount of such expense, in the same manner as taxes are levied ; Levying expenses.

18. For imposing penalties on parties causing such obstructions ; R.S.O. c. 184, s. 521 (16-18). Penalties.

Portable Steam Engines.

19. For regulating the distance from any public highway within the municipality within which unenclosed portable steam engines may be used for running a saw-mill or shingle mill, and preventing the use of the same for either of such purposes within such distance ; Portable steam-engines.

20. For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law ; 51 V. c. 28, s. 27. Penalties

Destruction of Foxes.

21. For giving and paying bounties, not exceeding $5 per head, for the destruction of foxes and other wild animals which kill or destroy poultry. Bounties for destruction of foxes etc.

522. Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality ; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality, to the satisfaction of any person whom the council of the county, in which the When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality requiring them to clear such stream within their municipality.

municipality

municipality whose council served the notice is situate, shall appoint to inspect the same; and if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge or highway in either of the said townships shall be out of repair, the corporation in default, but not the corporation that served the notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action must be brought within three months after the damages have been sustained. R.S.O. c. 184, s. 522 (1); 51 V. c. 28, s. 28.

(*Rev. Stat. c. 184, s. 522 (2) repealed by 51 V. c. 28, s. 29.*)

Repair of Roads.

523. No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing. R.S.O. c. 184, s. 523.

TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

DIV. I.—GENERAL PROVISIONS.
DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
DIV. IV.—COUNTY AND TOWNSHIP COUNCILS.
DIV. V.—COUNTY COUNCILS.
DIV. VI.—TOWNSHIP COUNCILS.

DIVISION I.—GENERAL PROVISIONS.

Highways defined. *Sec.* 524.
Freehold in Crown. *Sec.* 525.
Jurisdiction of Councils. *Sec.* 526.
Possession in Municipalities. *Sec.* 527-527*a*.
Acquiring Roads for Public Avenues. *Sec.* 528.
Assumption of County Bridges by Villages. *Sec.* 529.
Liability for Repairs. *Secs.* 530, 531.
County Roads and Bridges. *Secs.* 532, 533.
Improving and Maintaining County Roads and Bridges. *Secs.* 534, 535-535*a*.
Driftwood in Rivers and Streams. *Sec.* 535*b*.
Maintaining Township Roads. *Secs.* 536, 537.
Roads under Joint Jurisdiction. *Secs.* 538-540.
Transfer of former Powers of Justices in Sessions to County Councils. *Sec.* 541.

Roads

Roads vested in Her Majesty. Sec. 542.
Roads on Dominion Lands. Sec. 543.
Roads necessary for ingress and egress. Sec. 544.
Width of Roads. Sec. 545-545a.
Notices of By-laws affecting Public Roads. Sec. 546.
Registration of Road By-laws. Sec. 547.
Disputes respecting Roads—Administration of Oaths. Sec. 548.
Mistakes in opening Road Allowances. Sec. 549.

Highways Defined.

What shall constitute public highways.

524. All allowances made for roads by the Crown surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. R.S.O. c. 184, s. 524. *See* R.S.O. c. 152, *secs.* 44, 45, 62 (1).

Freehold in the Crown.

Certain highways, etc., vested in the Crown.

525. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, shall be vested in Her Majesty, Her Heirs and Successors. R.S.O. c. 184, s. 525.

Jurisdiction of Municipal Councils.

Jurisdiction of councils over roads, etc.

526. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. R.S.O. c. 184, s. 526.

Possession in Municipalities.

Streets in cities, townships, towns and incorporated villages vested in municipalities subject to certain rights.

527. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the city, township, town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. R.S.O. c. 184, s. 527.

Lands dedicated for streets not subject to dower.

527*a*. Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated. 53 V. c. 50, s. 43.

Acquiring

Acquiring Roads for Public Avenues.

Acquiring roads and lands for public avenue or walk.

528. The council of every city and town may respectively pass by-laws for acquiring and assuming possession of and control over, any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk;

And for acquiring from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less, subject to the provisions of section 483 of this Act. R.S.O. c. 184, s. 528.

Assumption of County Bridges by Villages.

Assumption by villages of bridges under control of county.

529. The councils of every county and incorporated village may pass by-laws for carrying out any arrangement between them for the assumption, by the village municipality, of any bridge within its limits, under the jurisdiction of the county council, and for such bridge being toll free; and for the payment by the village municipality to the county municipality of any part of the cost of the construction of such bridge;

After the passing of such by-laws the bridge shall be, and remain, under the exclusive jurisdiction of the village municipality; and the village municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county municipality; and the bridge shall be and remain toll free. R.S.O. c. 184, s. 529.

Liability for Repairs.

Approaches to bridges.

530. The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities: the remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. R.S.O. c. 184, s. 530.

Liability for repair of public roads, etc.

Limitation of actions.

531.—(1) Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained.

To what roads applicable.

(2) This section shall not apply to any road, street, bridge or highway laid out by any private person, and the corpora-

tion

tion shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by by-law of the corporation, or otherwise assumed for public user by such corporation.

Repair of crossings, etc. made by leave of municipality on toll roads.

(3) The corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done by the council of any municipality, or by any person with the permission of the said council, upon any toll road in or through the said municipality, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. R.S.O. c. 184, s. 531 (1-3).

Remedy in case of damages for injury caused by parties other than the corporation sued.

(4) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street or bridge placed, made, left or maintained by another corporation or by any person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation. R.S.O. c. 184, s. 531 (4) *part.*

Remedy over, for damages caused by non-repair of road against persons causing same.

(5) The municipal corporation shall be entitled to such remedy over in the same action, if the other corporation or person shall be made a party to the action, and if it shall be established in the action as against the other corporation or person, that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid, placed, made, left or maintained by the other corporation or person, and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof, if the same is not already a defendant in the action jointly with the municipal corporation, and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over, and the court or judge upon the trial of the action may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein as in other cases.

Where person causing damage has not been made a party.

(6) If such other corporation or person be not a party defendant to such action, or be not added as a party defendant or third party, or if the municipal corporation shall pay the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the municipal corporation, such municipal corporation shall have a remedy over, by action against any other corporation or person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made,

left

left or maintained by the other corporation or person, provided always that such other corporation or person shall be deemed to admit the validity of the judgment, if any, obtained against such municipal corporation in cases only where a notice has been served on such other corporation or person pursuant to the provisions of rule 329 of the consolidated rules made under the authority of *The Judicature Act*, or where such other corporation or person has admitted, or is estopped from denying the validity of such judgment, and where no such notice has been served, and there has been no such admission or estoppel, and the other corporation or person has not been made a party defendant or third party to the action against such municipal corporation, or where such damages have been paid without action, or without recovery of judgment against the municipal corporation, the liability of the municipal corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other corporation or person, shall be established in the action against such other corporation or person in order to entitle the municipal corporation to recover in such action. 54 V. c. 42, s. 24.

Apportionment of damages where more than one municipality liable for non-repair.

(7) Where two or more municipalities are jointly liable for the keeping in repair of a public road, street, bridge or highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair, and if an action shall be brought by any such person the same shall be brought against all of such municipalities, and any of the defendants in any such action may require that the proportions in which such damages and the costs of the action shall be borne between them shall be determined therein, and in settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each municipality was responsible, either primarily or otherwise, for the act or omission for which the damages shall become payable or be recovered, and the damages and costs shall be apportioned between them accordingly.

County Roads and Bridges.

Jurisdiction of county councils over roads and bridges.

532. The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village in the county, and which the council by by-law assumes with the assent of such township, town or village municipality as a county road, or bridge, until the by-law has been repealed by the council, and over all bridges across streams or ponds or lakes separating two townships in the county, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and over all bridges over rivers or ponds or lakes forming or crossing boundary lines between two municipalities. R.S.O. c. 184, s. 532; 51 V. c. 28, s. 30.

Boundary lines may be maintained by county.

533. Any county council may assume, make and maintain any township or county boundary line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient. R.S.O. c. 184, s. 533.

Certain municipalities may claim from county councils contribution for construction of bridges.

533*a*—(1) A township or village, and any town containing by the last official census a population of four thousand or less which is so situate in respect of rivers or streams as to require for the convenience of the public,

(*a*) The construction and maintenance by such local municipality of bridges one hundred feet in length or more, requiring (having regard to the other municipalities of the county) greatly disproportionate expenditure by such local municipality, either from the number of bridges or the cost thereof; or—

(*b*) Which, having reference to the population and assessed value of such local municipality, require for such construction or maintenance excessive or greatly disproportionate burdens upon the ratepayers thereof;

May notify the county council of any or all of the foregoing circumstances and that such municipality claims from the county council contribution of a share or percentage of the cost of construction and maintenance of such bridges one hundred feet in length or more, which the said municipality may construct and maintain after the 7th day of April, 1890.

Reference to arbitration of matters in dispute.

(2) In the event of the councils of the said county and municipality respectively being unable to agree upon the share or percentage which the said county council shall contribute for the purposes aforesaid, or as to the cost or character of any such bridge, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Payment of amount settled by arbitration.

(3) The county council shall pay to such local municipality any sum or sums settled by agreement or fixed by arbitration for the purposes aforesaid, in such manner and at such times as may be provided by the agreement or directed by the award.

Assumption of bridge by county council.

(4) Or, where such application has been made by a local municipality, the county council may assume any such bridge or bridges, and in such case, in the event of the councils of the county and municipality respectively being unable to agree upon the share or percentage which the local municipality shall contribute towards such construction and maintenance, or as to the character and cost of the bridge or bridges which the county council proposes to construct and maintain, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

(5)

Information as to character of bridges to be given by municipalities.

(5) The county council may require from the local municipality a statement of the kind, character and cost of any bridge or bridges of the length aforesaid proposed to be erected by the said local municipality, and the plans and specifications thereof; or when the county council has assumed such bridge or bridges, the local municipality shall be entitled to the same information from the county council.

Matters to be considered by arbitrators.

(6) Where the arbitration is upon a claim of a local municipality for contribution by the county, the arbitrators shall amongst other matters take into consideration the population and assessed values of the several municipalities of the county and also the average tax imposed by such municipalities during at least the ten years next preceding that in which the application is made, for the construction and maintenance of bridges, the necessity of other municipalities in respect of bridges, and the difference during the said ten years between the average tax imposed by the other municipalities and the applying local municipality for the purposes aforesaid. They shall also consider whether the applying local municipality receives any special or particular benefit by reason of the rivers or streams passing through, or the lakes or ponds being situate therein, which the other municipalities of the county do not receive from like or similar causes. Where the county council has assumed the bridges and calls for a contribution from a local municipality, reference shall be had *mutatis mutandis*, and as far as applicable and as may be practicable to the corresponding facts and circumstances.

Form of award.

(7) The award in either case shall not name the specific sum which the one council shall pay to the other, unless the arbitrating municipalities otherwise agree, but shall determine the share or percentage of the cost of construction or maintenance of such bridge or bridges for which the council may be liable for the ten years after the award including the year in which the award is made, and for as much longer as the two corporations interested may by the submission or by any agreement determine. The arbitrators may, by said award, fix the time or times when any moneys, by the award made payable, shall be paid.

Section not to apply to town separate from a county.

(8) This section shall not apply to any town separated from a county. 53 V. c. 50, s. 30.

When section applicable.

(9) This section shall apply only,

(*a*) To bridges of the prescribed length, which have been or shall be constructed after the 7th day of April, 1890.

(*b*) To the maintenance of all bridges of the prescribed length after the said 7th day of April, 1890; and the word maintenance shall include reconstruction in whole or in part.

Improving

Improving and Maintaining County Roads and Bridges.

Roads or bridges assumed by county councils.

534. When a county council assumes, by by-law, any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further the county council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated village in the county, necessary to connect any main public highway leading through the county. R.S.O. c. 184, s. 534.

Maintenance of certain bridges in villages.

Bridges between municipalities.

535.—(1) It shall be the duty of county councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county; and in case of a bridge over a river forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made shall be final.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities, and a bridge built over a river crossing such road where it deviates as aforesaid shall be held to be a bridge over a river crossing a boundary line within the meaning of this section. R. S. O. c. 184, s. 535.

(3) Notwithstanding anything contained in this section or in section 532, the council of any county may, by by-law, provide that where the words "rivers, lakes and ponds" are mentioned in those sections and sub-sections as applying to the erection and maintenance of bridges over such rivers, lakes and ponds, where such rivers, lakes and ponds cross any boundary line between two municipalities within such county, they or either of them shall not include or extend to any river, lake or pond less than eighty feet in width.

(4) In the event of the council of any county passing such by-law, then in such case the councils of the minor municipalities bordering upon such boundary line shall erect and maintain all bridges across streams of a less width than eighty

feet

feet over all such rivers, lakes and ponds crossing such boundary line. 52 V. c. 36, s. 28.

Proceedings where liability of municipality to erect bridge disputed.

535*a*.—Whenever there is a dispute between a county council and the council of any other municipality as to whether the duty or liability to build or maintain a bridge on any river or stream belongs to or rests upon such county council or such other council, either party to the dispute may bring and prosecute an action in the High Court of Justice for Ontario against the other to try the question in dispute, or the said court may upon the application of either party compel by mandamus the performance, by the party upon or to whom such duty or liability rests or belongs, of such duty or liability. 53 V. c. 50, s. 40.

Driftwood in Rivers and Streams.

When county council to keep river or stream free of driftwood.

535*b*.—(1) Where a river or a stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

When councils of counties, cities, or separated towns to keep stream free from driftwood.

(2) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated ; and in case the councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final. 51 V. c. 28, s. 31.

Maintaining Township Roads.

Boundary lines not assumed by county councils.

536.—(1) All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. R. S. O. c. 184, s. 536.

Road allowances on township boundary lines.

(2) In the case of any township boundary line, or any portion of such line on which in the original survey thereof a road allowance has not been reserved, the council of any one of the municipalities bordering on such boundary line, may pass a by-law for acquiring the necessary land, either by purchase or expropriation, within such municipality for one-half of the required road allowance.

(*a*) The clerk of the municipality shall within four days after the passing of the by-law send by registered letter a copy of the by-law to the clerk of the adjoining municipality.

(3)

(3) Sections 539 and 540 of this Act shall apply to proceedings taken under the provisions of this section. Sections 539 and 540 to apply.

(4) If the matters in dispute between the two municipalities are referred to arbitration the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not. Arbitration.

(5) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding four years in all. 53 V. c. 50, s. 31. When arbitrators decide against laying out allowance.

537. Township boundary lines forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. R. S. O. c. 184, s. 537. Township boundaries, being also county boundaries.

Roads under Joint Jurisdiction.

538. In case a road lies wholly or partly between a county, city, town, township or incorporated village, and an adjoining county or counties, city, town, township or incorporated village, the councils of the municipalities between which the road lies shall have joint jurisdiction over the same although the road may so deviate as in some places to be wholly or in part within one or either of them; and the word "road" shall not include a bridge over a river forming or crossing the boundary line between two municipalities, other than counties, which bridge it is the duty of the county council to erect and maintain. R. S. O c. 184, s. 538. Joint jurisdiction over certain roads.

539. No by-law of the council of any one of such municipalities with respect to such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises. R. S. O. c. 184, s. 539. Both councils must concur in by-laws respecting them.

540. In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. R. S. O. c. 184, s. 540. Arbitration if they do not concur.

Transfer

Transfer of former Powers of Justices in Sessions to County Councils.

Certain powers of justices in sessions transferred to county councils.

541. All powers, duties and liabilities which at any time before the 1st day of January, 1850, belonged to the magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and are not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. R. S. O. c. 184, s. 541.

Roads vested in Her Majesty.

Roads, etc., provincial works vested in Her Majesty, etc., not to be interfered with.

Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

542. No council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public department or board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may, by proclamation, declare any public road or bridge, under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. R. S. O. c. 184, s. 542.

Roads on Dominion Lands.

543. No council shall pass a by-law—

Ordnance roads, lands, etc.,

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates became vested under the Statute of the Province of Canada passed in the 19th year of Her Majesty's reign, chapter 45, or the Consolidated Statute of Canada, chapter 24, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or

Dominion lands,

2. For opening any such communication through any lands held by the Dominion of Canada; or

Bridges, etc.,

3. Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

4.

4. Interfering with any land reserved for military purposes, or with the integrity of the public defences,— Military lands.

without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. R. S. O. c. 184, s. 543. Not to be interfered with without consent of Dominion.

Roads necessary for Ingress and Egress.

544.—(1) No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. Council not to close road required for ingress, egress etc. Proviso.

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitration. R. S. O. c. 184, s. 544

Width of Roads.

545. No council, except the council of a city or town, shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road, when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the council of the municipality. R. S. O. c. 184, s. 545; 52 V. c. 36, s. 29. Width of roads.

545*a*—(1) The municipal council of any city having a population of 50,000 or more may pass a general by-law prescribing the minimum width of streets, lanes, alleys or other public places within the municipality wherein dwelling houses may be erected or occupied and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law as may from time to time alter or amend or repeal any such by-law. By-laws prescribing width of streets

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take the proposed by-law into consideration. 53 V. c. 50, s. 44.

Notices of By-laws affecting Public Roads.

Conditions precedent to passing by-laws intended to affect public roads.

546. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

Notice to be posted up.

1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published in a newspaper.

2. And published weekly for at least four successive weeks in some newspaper (if there be any) published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; and, in either case, in the county town, if any such there be, where no such newspaper is published in the municipality or in a neighbouring municipality;

Parties prejudicially affected to be heard.

3. Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give the notices on payment of expenses.

4. And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices.

Provision where price settled by agreement.

5. In case the council of a township or an incorporated village, and property owners interested in lands required to be taken possession of, for establishing a public road, mutually agree as to the recompense or price of such lands, the council may accept a deed or deeds for the same, which shall be registered as provided by section 547 of this Act, and in such case the publication of any by-law in the manner required by sub-section 2 shall be dispensed with. R. S. O. c. 184, s. 546.

Registration of Road By-laws.

By-laws under which roads are opened on private property to be registered.

547.—(1) Every by-law passed since the 29th day of March, 1873, or hereafter to be passed by any municipal council under the authority of which any street, road or highway has been, or is, opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land

is situate; and for the purpose of registration a duplicate original of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof.

As to by-laws passed before 29th March, 1873.

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production, to the registrar, of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of such order or resolution of the Quarter or General Sessions, given under the hand of the clerk of the peace, as the case may be. R. S. O. c. 184, s. 547. *See also* R. S. O. c. 114, s. 75.

Disputes respecting Roads—Administration of Oaths.

Power to administer oath in certain cases.

548. In case of disputes in any municipality concerning, roads, allowances for roads, side lines, boundaries or concessions within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. R. S. O. c. 184, s. 548.

Mistakes in Opening Road Allowances.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances

549.—(1) In case any municipality in whose jurisdiction an original road, or allowance for road is situate, shall open that which they take and believe to be the true site of the same, and in case the municipality, their officers and servants, shall act in good faith, and shall take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to, or as nearly upon, the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same.

Municipality to make compensation.

(2) The municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same: Provided the claims for such compensation shall be made

Proviso.

within

within one year from the time of the laying out or taking possession of such road by the municipality or its officers, or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. R. S. O. c. 184, s. 549.

DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES IN RELATION TO ROADS AND BRIDGES.

General Powers. *Sec.* 550 (1, 2).
Respecting Straightening, etc., Streams. *Sec.* 550 (2*a*).
" *Tolls.* *Sec.* 550 (3-4).
" *Dangerous Places.* *Sec.* 550 (5).
" *Timber, Stone. etc., on Road Allowances.* *Sec.* 550 (6).
" *Privileges to Road or Bridge Companies.* *Sec.* 550 (7).
" *Procuring Materials for Repairing Roads.* *Sec.* 550 (8).
" *Road Allowances.* *Secs.* 550 (9), 551-553.
" *Aid to adjoining Municipalities in Making Roads or Bridges.* *Sec.* 554.
" *Aiding Bridge Companies.* *Sec.* 554*a*.

By-laws may be made for—

550. The council of every county, township, city, town and incorporated village may pass by-laws—

General Powers.

Opening or stopping up roads, etc.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; for setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges, or other communications, as the council may deem necessary or expedient for the purpose of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same, and for preventing and removing any obstructions upon any sub-ways bridges within its jurisdiction, and also for permitting roads or for cattle under any highway; R.S.O. c. 184, s.550 (1); 51 V. c. 28. s. 32.

Roads across railway lands.

2. For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping,

up

up, within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in *The Railway Streets and Drains Act*, and provided that the highway is within the jurisdiction of the council; R.S.O. c. 184, s. 550 (2). Rev. Stat. c. 199.

Straightening, etc., Streams.

2*a*. For straightening, deepening, widening, or diverting any river, creek or stream, for the purpose of preventing the flooding, undermining or carrying away of any land, or for preventing injury to any highway, bridge or other structure by the flow of the waters of any such river, creek or stream, subject to all the provisions of this Act respecting compensation for lands taken or injured, but nothing herein shall authorize the interference with any mill site or water privilege on any such river, creek or stream. 52 V. c. 36, s. 30. Straightening, etc., streams dangerous to bridges, etc.

Tolls.

3. For raising money by toll on any bridge, road or other work, to defray the expense of making or repairing the same; R.S.O. c. 184, s. 550 (3). Raising money by toll.

4. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of the tolls shall, during the period of his right thereto, maintain the road or bridge in repair; R.S.O. c. 184, s. 550 (5). Granting right to take tolls.

Dangerous Places.

5. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; R.S.O. c. 184, s. 550 (4). Making regulations as to dangerous places.

Timber, Stone, etc, on Road allowances.

6. For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting Timber on Public Lands* relative to Government road allowances and the granting of Crown timber licenses; For preservation of trees, stone, etc. Rev. Stat. c. 28.

Granting

Granting Privileges to Road or Bridge Companies.

Granting privileges to road or bridge companies.

7. For regulating the manner of granting to road or bridge companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; R.S.O. c. 184, s. 550 (6-7). *See* R.S.O. c. 159.

Power to purchase and hold land, stone or gravel beds.

Power to sell same.

7*a*. For purchasing and holding by itself or jointly with any other municipality such land containing stone or gravel beds within its own or any adjoining municipality as may be necessary to procure stone or gravel therefrom for the purpose of constructing, maintaining or repairing any streets, roads or highways owned by such municipality, and sell and convey the same wherever the object for which the same was purchased shall no longer exist: 54 V. c. 42, s. 25.

Procuring Materials for Repairing Roads.

Power to take materials for roads.

8. For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and, for the purpose aforesaid, with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act;

(*a*) But no such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration.

Selling Road Allowances.

When the council may stop up or sell a road allowance.

9. For selling the original road allowance, to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling, in like manner, to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. R.S.O. c. 184, s. 550 (8-9).

551.—(1) In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality, upon the report in writing of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple, to the person or persons upon whose land the new road runs.

When owner of land taken to be entitled to original road.

(2) When such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties, as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. R.S.O. c. 184, s. 551.

Compensation to party whose land is taken who does not own land adjoining original road.

Possession of Unopened Road Allowances.

552. In case a person is in possession of any part of a government allowance for road, laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof as against any private person, until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same. R.S.O. c. 184, s. 552.

Original allowances for road when to be deemed legally possessed till a by-law is passed for opening them.

Notice of By-laws for Opening such Allowances.

553. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. R.S.O. c. 184, s. 553.

Notice of by-law to be given.

Aiding in making Roads and Bridges.

554. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving

By-laws to aid adjoining municipality to open roads, etc.

ing any highway, road, street, bridge, or communication passing from or through an adjoining municipality. R. S. O. c. 184, s. 554.

Aiding Bridge Companies.

Aiding bridge companies.

554*a*.—The council of every county, township, city, town and incorporated village, may pass by-laws for subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between the municipality and another, and all the sub-sections of section 634 of this Act shall apply in the same manner, and with the same effect, as if the words "or bridge company" were inserted in sub-section 4, in the first line after the words "railway company," and the words "or bridge" were inserted after the word "railway," in the second line of the said sub-section. 52 V. c. 36, s. 42.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

Aiding Counties in opening New Roads. *Sec.* 555 (1).
Joint works with other Municipalities. *Sec.* 555 (2).
Improvements on Streets between two Municipalities. *Sec.* 555 (3).
Repair of Township Roads, how enforced. *Secs.* 556-564.

By-laws may be made for—

555. The council of every township, city, town and incorporated village may pass by-laws—

New Roads.

Aiding counties in making roads and bridges.

1. For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality;

Joint Works with other Municipalities.

Joint works with other municipalities.

2. For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. R.S.O. c. 184, s. 555.

Improvements

Improvements on Streets between Two Municipalities.

Improvements on streets between two municipalities.

3. Whenever a public street, square or drive forms the boundary between any two or more municipalities, (although such street, square or drive is wholly within the limits of one of such municipalities or partly in each), the councils of such municipalities may make and enter into any agreements and pass any by-laws proper and necessary to provide for the construction and maintenance of any one or more of the street improvements or works, and the performance of any one or more of the street services for which provision is made in this Act in sections 612 to 629, both inclusive, and every such council may pass by-laws for ascertaining, determining and raising so much of the cost of any such work, improvement or service as is to be borne by the municipality generally, and for determining the proportion thereof to be assessed and levied upon the real property benefited thereby, and for assessing and levying upon the real property so benefited and situate within its jurisdiction, and for collecting the proportion or share of the cost of any such improvement, work or service done under any such agreement by the municipality, in the same manner and with the like remedies as if the improvement had been made or work had been done or service had been rendered upon or in a street within the municipality and as if the cost thereof was assessable upon real property, the whole of which was situate in the same municipality. 52 V. c. 36, s. 31.

Repair of Township Roads—how enforced.

Township council failing to perform their duty.

556. Whenever township councils fail to maintain township boundary lines not assumed by the county council, in the same way as other township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. R. S. O. c. 184, s. 556.

Resident rate payers may petition county council to enforce opening up of road.

557. In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line, to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. R.S.O. c. 184, s. 557.

Action by county council on petition.

558. A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. R S.O. c. 184, s. 558.

559.

Amount, etc., to be furnished by each township.

559. The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of the statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. R.S.O. c. 184, s. 559.

Commissioners to enforce order of county council as to such roads.

560. It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the townships interested intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then the commissioner or commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. R.S.O. c. 184, s. 560.

Proviso.

Sums determined upon to be paid by townships.

561. Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer, on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township; but if there are not, at any time before the striking of a county rate, any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. R.S.O. c. 184, s. 561.

When the several townships interested cannot agree.

562. Whenever the several townships interested in the whole or part of any county boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend, either in money or statute labour, or both, and the mode of expenditure, on such road; the County Judge of the county in which the township first making the application is situate, shall in all cases be the third arbitrator. R.S.O. c. 184, s. 562.

Wardens to be arbitrators.

County judge also.

Meetings of wardens.

563. It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute. The warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and County Judge of the time and place of meeting, within eight days of the time of his receiving such application. R.S.O. c. 184, s. 563.

Who to convene, etc.

564. At such meeting the wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of the commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of the commissioner or commissioners in performing the statute labour unexpended. R.S.O. c. 184, s. 564.

What the wardens and county judge shall determine, etc.

Division IV.—Powers of County and Township Councils in relation to Roads.

Sale or Lease of Minerals on or under Roads.

565.—(1) The corporation of any township or county, wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon, or under any roads over which the township or county may have jurisdiction, if considered expedient so to do.

Sale or lease of mineral rights under roads.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

No sale or lease till after notice.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. R.S.O. c. 184, s. 565.

Sale or lease not to interfere with public travel.

Division V.—Powers of County Councils in relation to Roads and Bridges.

Respecting the closing of Road Allowances. Sec. 566 (1).
" *The opening and altering of Roads. Sec.* 566 (2).
" *Trees obstructing highways. Sec.* 566 (3).
" *Double tracks in Snow Roads. Sec.* 566 (4).
" *Aid to Townships. Sec.* 566 (5).
" *Repair of County roads in local Municipalities. Sec.* 566 (6, 7).

566. The council of every county shall have power to pass by-laws for the following purposes:

By-laws for—

Closing

Closing Road Allowances.

Disposing of original allowance for roads in certain cases.

1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to section 546 of this Act;

Opening and Altering Roads.

Opening, etc., roads, etc., within or between several municipalities.

2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county; or any bridge required to be built or made across any river over 100 feet in width within any incorporated village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county and any adjoining county or city or separated town, or on the bounds of any town or incorporated village, within the boundaries of the county, as the interests of the inhabitants of the county, in the opinion of the council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained;

Trees obstructing Highways.

May direct the trees to be cleared on each side of highways.

3. For directing that, on each and either side of a highway under the jurisdiction of the council, passing through a wood the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor, within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may further pay such expenses out of county funds;

Double Tracks in Snow Roads.

Double tracks in snow roads.

Rev. Stat. c. 197.

4. For providing for the making and keeping open of double tracks in snow roads, according to the provisions of *The Act respecting Double Tracks in Snow Roads*;

Aiding

Aiding Townships, etc.

5. For granting to any town, township or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work, and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient; For aiding the making of roads and bridges. Guaranteeing debentures of local municipalities.

Repair of County Roads in local Municipalities.

6. For requiring that the whole or any part of a county road within any local municipality shall be opened, improved and maintained by such local municipality. R. S. O. c. 184, s. 566 (1-6.) Opening roads in local municipalities.

7. For abandoning or otherwise disposing of the whole or any portion of a toll or any other road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties, and on the passing of such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon: Provided, however, that no such by-law shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council. R. S. O. c. 184, s. 566 (7); 53 V. c. 50, s. 32. Disposing of roads.

DIVISION VI.—POWERS OF TOWNSHIP COUNCILS IN RELATION TO ROADS AND BRIDGES.

Aiding Counties. *Sec.* 567 (1).
Closing Road Allowances. *Sec.* 567 (2).
Trees obstructing Highways. *Sec.* 567 (3).
Footpaths. *Sec.* 567 (4).
Sale of Roads in Villages and Hamlets. *Sec.* 568.

567. The council of every township may pass by-laws— By-laws for—

Aiding Counties.

1. For granting to any adjoining county, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid, to the county in which the township lies, Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

in

in respect of any highway, road, street, bridge, or communication, within the township, assumed by the county as a county work, or agreed to be so assumed on condition of such grant;

Closing Road Allowances.

Stopping up, leasing or sale of original road allowance.

2. For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the municipality, and for fixing and declaring therein, the terms upon which the same is to be leased, sold and conveyed;

Proviso.

But no such by-law shall have any force—

(*a*) Unless passed in accordance with section 546 of this Act, nor

(*b*) Until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof;

Trees obstructing Highways.

Ordering trees to be cut down on each side of a road.

3. For directing that, on each or either side of a highway under the jurisdiction of the council, passing through a wood the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may grant, out of township funds, any money that may be necessary to pay for cutting down and removing such trees;

Footpaths.

Footpaths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. R. S. O. c. 184, s. 567.

Sale of Roads in Villages or Hamlets.

When roads in police villages and certain hamlets may be stopped up sold, etc., by township council.

568.—(1) In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of 200 acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincor-

porated

porated village or hamlet, not being a police village, is accompanied by a certificate from the registrar of the registry division within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When village is partly in each of two townships.

(2) The preceding sub-section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. R. S. O. c. 184, s. 568.

TITLE III—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

Div. I.—Townships, Cities, Towns and Villages.
Div. II.—Townships and Villages.
Div. III.—Counties.

Division I.—Local Improvements in Townships, Cities Towns and Villages.

" " Referee and " reference," meaning of. *Sec.* 568*a*.
Local drainage by-laws, and fund for. *Secs.* 569, 570.
Complaints respecting assessments, how tried. *Sec.* 569 (10-15).
Quashing by-laws, limitations respecting. *Secs.* 571-574.
Extension of works to other Municipalities. *Sec.* 575.
Mode of apportioning cost. *Secs.* 576-582.
Who to keep in repair. *Secs.* 583-590.
Damage done by works. *Secs.* 591, 592.
Drainage by private persons. *Sec.* 593.
Earth, etc., may be spread on road. *Sec.* 594.
Part of cost payable by Municipality. *Sec.* 595.
Construction of ditch on town line between two Municipalities. *Secs.* 596, 597.
Construction of works affecting several Municipalities in same County. *Secs.* 598, 599.
Construction of works affecting several Municipalities in different Counties—Procedure. *Secs.* 600-611.
Construction of Roads in Townships. *Secs.* 611*a*, 611*b*.
Cost of local improvements. *Secs.* 612-628.
Sweeping, watering and lighting streets. *Sec.* 629.

Drainage

Drainage Works.

"Referee" or "reference," meaning of.

568*a*. The word "referee" wherever the same occurs in this Act from sections 569 to 612 inclusive shall mean the referee appointed under *The Drainage Trials Act, 1891*, and the word "reference" in the said sections shall mean a reference to the said referee, and the provisions of the said Act shall apply to all proceedings instituted under the drainage clauses of this Act according to the true intent and meaning thereof.

Municipal councils may pass by-laws for deepening streams, etc., drainage, etc.

569. In case the majority in number of the persons, as shewn by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any township, city, town or incorporated village, petition the council for the deepening or straightening of any stream, creek, or water-course, or for the draining of the property (describing it), or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or water-course, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the council may procure an engineer or provincial land surveyor to make an examination of the stream, creek or water-course proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or surveyor, and an assessment to be made by such engineer or surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every road and lot, or portion of lot; and if the council is of opinion that the proposed work, or a portion thereof, would be desirable, the council may pass by-laws:

Examination by engineer.

Plans and estimates.

For providing for work.

1. For providing for the proposed work, or a portion thereof being done, as the case may be;

For borrowing requisite funds, etc.

2. For borrowing, on the credit of the municipality, the funds necessary for the work or the proportion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities and for issuing the debentures of the municipality to the requisite amount including the costs of reference, if any, in sums of not less than $100 each and payable within twenty years from date, with interest at a rate of not less than four per centum per annum.

Payment of interest on debentures how made.

(*a*) Any council issuing debentures under the provisions of this section, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each de-

benture

benture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section, as aforesaid; R. S. O. c. 184, s. 569 (1-2).

3. For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the work, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by joint stock companies or private individuals, and including roads held by counties or county councils), in proportion, as nearly as may be, to the benefit derived by each lot or portion of lot and road in the locality; Levying rate for payment

(*a*) The cost of any reference had in connection with the construction of any works under this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate; What cost to be deemed cost of works.

(*b*) Any person whose property has been assessed for such work may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; and Proviso.

(*c*) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for any works under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase; R. S. O. c. 184, s. 569 (3); 51 V. c. 28, s. 35. Proviso.

4. For regulating the times and manner in which the assessment shall be paid; For providing how assessment be paid.

5. For determining what real property will be benefited by the works, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint by the owner or person For ascertaining the property liable to the rate.

interested in any property assessed, (whether of overcharge, or undercharge of any other property assessed, or that property which should be assessed has been wrongfully omitted to be assessed,) to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under *The Assessment Act*;

Rev. Stat. c. 193.

Mode of assessing property.

6. The engineer or surveyor in assessing the real property to be benefited by any works to be executed under this section, need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot;

How proportion of benefit may be shewn.

7. The proportion of benefit to be derived from any works by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road;

Oath of engineer or surveyor.

7*a*. Any engineer or surveyor employed or appointed by any council to perform the work provided for by section 569, or any work under any of the drainage clauses of *The Municipal Act*, including the assessment of real property for the purposes of drainage shall, before entering upon his duty, take and subscribe the following oath (or affirmation) before the clerk of the municipality, a justice of the peace or a commissioner for taking affidavits, and shall leave the same with the clerk of the municipality:—

In the matter of the proposed drainage (*or as the case may be*) in the township (*or as the case may be*).

I, of the of in the county of (engineer *or* surveyor) make oath and say (*or* solemnly declare and affirm) that I will to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear, favour or prejudice against any owner or owners perform the duty assigned to me in connection with the above work and make a true report thereon.

Sworn (*or* solemnly declared and affirmed) before me at the of in the County of this day of A.D. 189 .

Petition for draining lands by embanking, etc.

8. The council shall have the like power, and the provisions of this section shall apply in cases where the work can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section.

9.

On petition of two-thirds of the owners council may pass by-law relieving municipality from all liability under section 586.

9. In cases provided for in the next preceding sub-section, the council may pass by-laws for assessing and defraying the annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to the provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of this and the following sections to section 632 inclusive, shall be applicable, so far as possible to the draining of lands under sub-section 8 of this section; except that the council of the municipality may, on the petition of two-thirds of the owners appearing by the last revised assessment roll to be assessed for work mentioned in said sub-section, pass a by-law relieving the municipality from all liability under the provisions of section 586; and after such last mentioned by-law shall have been passed, the provisions of said section 586 shall not apply to any of the works mentioned in said sub-section and set forth and designated in said last mentioned by-law.

Court of Revision to have primary jurisdiction.

10. Trial of such complaints shall be had in the first instance by and before the Court of Revision of the municipality in which the lands or roads lie, which Court the council shall, from time to time as the occasion may require, hold on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication; and all notices of appeal shall be served upon the clerk of the municipality at least eight days prior to such Court of Revision; but the Court of Revision may though such notice be not given permit the appeal to be heard on such conditions as to giving notice to all persons interested and otherwise as may seem just.

Power of. Rev. Stat. c. 193.

11. Such Court shall be constituted in the same manner and have the same power as Courts of Revision under *The Assessment Act.* R. S. O. c. 184, s. 569 (4-11).

Where lot subsequently assessed for other drainage.

11*a*. In case of a lot or part of a lot being assessed for the construction or repair of a drain and the same property being afterwards assessed by the engineer or surveyor, for the construction or repair of another drain, the court of revision or judge may take into consideration any prior assessment or assessments for drainage purposes on the same lands. 53 V. c. 50, s. 33.

Transmission of assessment roll.

12. In case of any such complaint, the clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such municipality;

Appeal to county judge.

13. The appeal from the Court of Revision shall be to the Judge, or junior or acting Judge, of the County Court of the county within which such municipality is situate;

Powers of judge on appeal.

14. In case of appeal to the Judge, junior or acting Judge of the County Court, he shall have the same powers and duties and the clerk of the municipality shall have the same powers and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under *The Assessment Act*. R. S. O. c. 184. s. 569 (12-14).

Rev. Stat. c. 193.

Varying of assessment for drainage works on appeal.

15. In case, on any such complaint or appeal, the assessment in respect of the property which is the subject of complaint or appeal ought to be varied, the court or judge shall adjourn the hearing of such appeal for a sufficient time to enable the clerk of the municipality to notify all persons to be affected, personally or by registered letter, of the date to which such hearing of the said complaint or appeal is adjourned, and the said clerk shall so notify all persons interested, and unless such interested parties appear and show cause, then the court or judge may, in its or his discretion, vary the assessment so the said property and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so as to do justice to all parties, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision, shall return the roll to the municipal clerk from whom it was received, and the assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision; R. S. O. c. 184, s. 569 (15); 53 V. c. 50, s. 34.

Works to which this section applies.

16. The provisions of this section shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under any provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them, provided that the stream, lake, or pond is, for the purposes hereof, within the jurisdiction of this Legislature;

Appointment of commissioners to carry out drainage works.

17. In order the better to maintain and operate works constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth in the by-law appointing such commissioners;

Provision where obstruction is situate outside of municipality.

18. Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within

and

and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or with the removal thereof, were to be done and performed in part within the limits of the municipality, and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly;

Removal of artificial structures.

19. Where such obstruction is occasioned by or is a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or in part; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly;

Application of sub-ss. 18 and 19.

20. The two preceding sub-sections are to be taken as applying only to cases where the obstruction is actually situate or existing in a municipality next adjoining to the municipality mentioned in such sub-sections;

Removal of obstructions in rivers.

21. To remove doubts it is hereby declared and enacted that where the obstruction referred to in this section is occasioned by, or is a dam or other artificial structure, and is situate wholly within the municipality, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right to remove the same, wholly or in part; and any amount so paid or payable as purchase money, shall be deemed part of the costs of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly, and where the lands benefited are situated partly in the said municipality and partly in the next adjoining municipality, the special rate sufficient for the payment of the principal and interest of the debentures and the assessment and levying of the same shall be made, levied and paid over by the said municipality, and the said next adjoining municipality, in such proportions as the said engineer or surveyor may determine and charge upon the lands aforesaid, and in like manner and to the same extent, as nearly as may be, as is provided for by this Act where the lands benefited are situated wholly within the municipality. R. S. O. c. 184, s. 569 (16-21).

Effect of withdrawal of petitioners after signing.

22. Any person who has signed a petition under this section shall be at liberty to withdraw therefrom and to abandon such petition at any time before the expiry of the time limited for appealing from the proposed assessment to the court of revision, but not afterwards. If the proposed work shall not be proceeded with on account of such withdrawal from the petition, then the persons signing such petition including those who have withdrawn therefrom shall be *pro rata* chargeable

with

with and liable to the municipality for the expenses incurred by such municipality in connection with such petition, and the amount with which such persons are chargeable shall be entered upon the collector's roll for such municipality against the person liable, and shall be collected in the same manner as any other sum so placed on the roll for collection. 53 V. c. 50, s. 35.

Form of by-law.

570.—(1) The by-law shall, *mutatis mutandis*, be in the form or to the effect following:

A BY-LAW to provide for draining parts of (*or*, for the deepening of in, *or as the case may be*) the Township of , and for borrowing, on the credit of the Municipality, the sum of for completing the same.

Provisionally adopted the day of , A. D.

Whereas the majority in number of the owners, as shewn by the last revised assessment roll, of the property hereinafter set forth to be benefited by the drainage (*or* deepening, *or as the case may be*), have petitioned the Council of the said Township of , praying that (*here set out the purport of the petition, describing generally the property to be benefited.*)

And whereas, thereupon the said Council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (*or* the said stream, creek, or water-course proposed to be deepened, *or as the case may be*), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (*or* deepening, *or as the case may be*), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (*or* deepening, *or as the case may be*), by every road and lot, or portion of lot, the said assessment so made, being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said in respect thereof, and of the said drainage (*or* deepening, *or as the case may be*), being as follows: (*here set out the report of the Engineer or Surveyor employed.*)

And whereas, the said Council are of opinion that the drainage of the locality described (*or* the deepening of such stream, creek or water-course, *or as the case may be*) is desirable:

Be it therefore enacted by the said Municipal Council of the said Township of , pursuant to the provisions of *The Municipal Act.*

1st. That the said report, plans and estimates be adopted, and the said drain (*or* deepening, *or as the case may be*) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of the sum of , being the funds necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than $100 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say, in (*insert the manner of payment, whether in annual payments or otherwise*), such debentures to be payable at , and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of $475, being the amount charged against the said lands so to be benefited as aforesaid, other than lands (*or* roads, *or* lands and roads) belonging to the Municipality, and to cover interest thereon for (*ten*) years, at the rate of (*five*) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are

levied)

levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
			$ cts.			
10	5	200	75 00			
"	S. ½ 6	100	50 00			
"	N. ¼ 6	50	30 00			
"	S. W. ½ 8	100	80 00			
"	9	200	150 00			
"	S. ½ and N. ¼ 10	150	90 00			
			475 00			
Chargeable to Municipality for roads (*or* lands, *or* roads and lands).....			120 00			
			595 00			

4th. For the purpose of paying the sum of $120, being the total amount assessed as aforesaid against the said roads (*or* lands, *or* roads and lands) of the said Municipality, and to cover interest thereon for (*ten*) years at the rate of (*five*) per cent. per annum, a special rate of in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of in each year for the period of years, after the date of the final passing of this by-law, during which the said debentures have to run.

Amendment of by-law.

(2) In the event of the assessment being altered by the Court of Revision or Judge, the by-law shall, before being finally passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be).

Provision where by-law passed before appeal determined.

(3) In case the council shall finally pass the by-law before the time for appealing to the Judge has expired, or while an appeal is pending before him, the Judge shall, notwithstanding such by-law has been passed, proceed and determine the appeal; and if he varies the assessment, the council shall by an amending by-law alter the by-law in accordance with the variation in the assessment made by the Judge. R. S. O. c. 184, s. 570.

Publication of drainage by-laws.

571.—(1) Before the final passing of the by-law it shall be published, once, or oftener, in every week for four weeks in such newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining or neighbouring local municipality, as the council may designate by resolution, together with a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing

thereof,

thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to the High Court, at Toronto, during the six weeks next ensuing the final passing of the by-law.

By-law may be served on property owners, instead of published.

(2) The council may, at their option, instead of such publication in a newspaper, direct by resolution that a copy of the by-law and notice, written or printed, or partly written and partly printed, be served upon each of the several owners, their lessees or occupants, or upon the agent or agents of such owners, or be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents, do not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of the by-law and notice, and the by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making the service or services, and the manner in which the same were effected. R. S. O. c. 184, s. 571.

Time allowed.

(3) Such service shall be made or registered letter sent, and a copy of the notice of the appeal also served on the clerk of the municipality, at least twenty days prior to the sitting of the Court of Revision.

If no application to quash made in time specified, by-law to be valid, notwithstanding defects.

572.—(1) In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if the notice is served, then, in case the application is not made or is unsuccessful the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

(2) Where the application is made, and is successful in part, so much of the by-law as is not quashed upon the application shall be valid, notwithstanding any want of substance or form aforesaid. R. S. O. c 184, s. 572.

Power to amend by-law when no sufficient means provided for completion of the work.

573.—(1) In case a by-law already passed, or which may be hereafter passed by the council of any municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded, and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment.

(2) Where a by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 571 of this Act, or in case of a city, town or incorporated village, has been or shall be notified in the manner required by sub sections 1 and 2 of section 618, section 572 shall apply to such by-law, and any by-law passed under the said preceding sub-section need not be published unless the council sees fit; and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council. R. S. O. c. 184, s. 573.

Provisions respecting by-laws passed under the preceding sub-section.

Rev. Stat. c. 37.

574. No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. R. S. O. c. 184, s. 574.

When debentures not invalid though not in accordance with by-law.

575. Where it is necessary to continue the works aforesaid beyond the limits of any municipality, the engineer or vsureyor employed by the council of such municipality may continue the survey and levels into the adjoining municipality, or upon the boundary between two or more municipalities, until he finds fall enough to carry the water beyond the limits of the municipality in which the work was commenced, and until he obtains a sufficient outlet for the water, and in every such case he may charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section. R. S. O. c. 184, s. 575.

When work may be extended beyond limits of municipality.

576. Where the works in the opinion of the engineer or surveyor aforesaid benefit lands in an adjoining municipality without extending into it, or greatly improve any road lying within any municipality or between two or more municipalities, then the engineer or surveyor aforesaid shall charge the lands to be so benefited and the corporation, person or company whose road or roads are improved with such proportion of the costs of the works as he may deem just; and the amount so charged for roads or ascertained by reference shall be paid out of the general fund of such municipality or company.

Drainage works benefiting more than one municipality.

577. The engineer or surveyor aforesaid shall determine and report to the council by which he was employed, whether the works shall be constructed and maintained solely at the expense of such municipality, or whether they shall be constructed and maintained at the expense of both municipalities, and in what proportion. R. S. O. c. 184, s. 577.

Report as to which municipality to bear expense.

578.

Plans, etc.

578. The engineer or surveyor aforesaid, where necessary shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein. R. S. O. c. 184, s. 578.

Council of municipality wherein work is to be begun to notify municipality to be benefited.

579. The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor aforesaid; and unless the same is appealed from as hereinafter provided it shall be binding on the council of such municipality. R. S. O. c. 184, s. 579.

Municipality so notified required to raise necessary amounts.

580. The council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise and pay over to the treasurer of the initiating municipality such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the referee in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 569 of this Act, and such council shall hold the Court of Revision provided for by sub-section 10 of section 569 of this Act. R. S. O. c. 184, s. 580; 52 V. c. 36, s. 32.

Appeal by such municipality.

581.—(1) The council of the municipality into which the work is to be continued, or whose lands, road or roads are to be benefited without the work being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom to the referee, in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; and such notice shall state the ground of appeal.

(2) When it is proposed to continue the deepening or drainage from the municipality in which the same is to be commenced into another municipality, and when through misapprehension or mistake the council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within twenty days, the Judge of the County Court of the county in which the municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said twenty days have elapsed, by order, grant permission to appeal, upon such terms and conditions, as to costs and otherwise, as he deems just and reasonable, within a time to be limited by him in the

order;

order; or the other council or councils interested may, by resolution waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

(3) The summons to shew cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the council or councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper, by reason of the appeal or the result thereof. R. S. O. c. 184, s. 581.

[Rev. Stat. c. 184, s. 582 is omitted as being inconsistent with the provisions of *The Drainage Trials Act, 1891*.]

Each municipality to contribute to maintaining the work in proportions fixed by engineer.

583.—(1) After such work is fully made and completed whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor, it shall be the duty of each municipality, in the proportion determined by the engineer, surveyor or referee (as the case may be), or until otherwise determined by the engineer, surveyor or referee, under the same formalities, as nearly as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council upon the report of the engineer or surveyor may seem just. R. S. O. c. 184, s. 583 (1); 52 V. c. 36, s. 34.

Compelling municipalities to make necessary drainage repairs.

(2) Any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by *mandamus*, to be issued by the referee or any court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who, or whose property is injuriously affected by reason of such neglect or refusal.

Applications to set aside notice to municipalities to make drainage repairs.

(*a*) Provided, nevertheless, that any municipality, after receiving such notice, may within fourteen days thereafter apply to the referee or the Judge of the County Court of the county within which the municipality is situate to set aside the notice. Such application may be made upon four days' notice to the person or persons who gave the notice to the municipality, and the referee or Judge shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm the notice or set it aside, as to him shall seem proper, or order

that

that the said work shall be done wholly or in part, and the costs of and concerning the said motion shall be in the discretion of the referee or Judge, except as hereinafter mentioned, and may be taxed upon the County or Division Court scale, as the referee or Judge may direct.

Costs in cases of vexatious notices.

(*b*) Should the referee or Judge find that the notice to the council was given maliciously, or vexatiously, or without any just cause, or to remove an obstruction which, under section 588 of this Act, it was the duty of the person giving the notice to remove, he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the person giving such notice.

Costs to be a charge on the lands benefited.

(*c*) Any costs which the municipality may be called upon to pay, by reason of any proceedings in these clauses mentioned, shall be a charge upon the lands benefited, and may be levied and collected in the same way as the cost or expense of keeping the drain or ditch in repair are levied or collected.

Motions for mandamus.

(*d*) A mandamus against the municipality shall not be moved for until after the lapse of fourteen days from the date of service of the notice upon the municipality in any case.

Appeal.

(*e*) Any party to such proceedings may appeal to a Divisional Court of the High Court of Justice, from the decision or judgment of the Judge, upon the application, and the proceedings in and about such appeal shall be the same as nearly as may be as upon an appeal from the decision or judgment of a Judge of the County Court under chapter 47 of the Revised Statutes of Ontario, 1887, and from the decision or judgment of the referee as is provided by the 17th section of *The Drainage Trials Act, 1891.*

Upon any such appeal the Court may determine whether a mandamus shall issue or otherwise, and may make such order as will do justice in the matter.

Nothing herein shall authorize an appeal upon the mere question of costs. R. S. O. c. 184, s. 583 (2); 52 V. c. 36, s. 35.

Repair and maintenance, what deemed.

(3) The deepening, extending or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of $200, and in every case when it exceeds that amount, proceedings shall be taken under the provisions of section 585. R. S. O. c. 184, s. 583 (3).

584. After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto. R. S. O c. 184, s. 584.

Duty of minor municipalities as to repairing works.

585. (1) In any case wherein the better to maintain any drain constructed under the provisions of this Act, or of *The Ontario Drainage Act* and amendments thereto, or of *The Ontario Drainage Act of 1873*, or of any other Act respecting drainage works and local assessment therefor, or of *The Municipal Drainage Aid Act* or to prevent damage to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve, extend or alter the drain, or to cover any portion of said drain where it passes through a ridge of land, the council of the municipality, or of any of the municipalities whose duty it is to preserve and maintain the said drain, may, on the report of an engineer or surveyor appointed by them to examine and report on such drain, undertake and complete the alterations and improvements or extension specified in the report under the provisions of sections 569 to 582 inclusive, without the petition required by section 569, and the engineer or surveyor, Court of Revision, county judge or referee (as the case may be) shall for such alterations, improvements or extension have all the powers to assess and charge lands and roads conferred by said sections and section 590.

Power to change course of drain, make new outlet, etc. Rev. Stat. cc. 36, 37.

(2) When the engineer or surveyor reports that the covering of any portion of a drain that has been, or which may hereafter be constructed under the provisions of any of the aforesaid Acts, is necessary for the efficiency of any such drain and is necessary to the better maintaining and keeping in repair of any such drain, then in such case he shall determine the size and capacity of the proposed covered portion of said drain, and also the material to be used in the construction thereof. R. S. O. c. 184, s. 585; 53 V. c. 50, s. 36.

Covering drains.

586.—(1) In any case wherein after such work is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such work, whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor; it shall be the duty of the municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed. R. S. O. c. 184, s. 586 (1); 52 V. c. 36, s. 36.

Works not extended beyond municipality commencing same, etc., or which do not benefit any other municipality, to be maintained by municipality commencing same.

(2)

When work has been paid for out of funds of municipality repair may be charged on property benefited.

(2) In any case where similar work has been constructed out of the general funds of the municipality, the council may, without petition, on the report of an engineer or surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such work, and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to works made and completed under the provisions of this Act.

Assessment may be changed.

(3) The council may, from time to time, change such assessment on the report of an engineer or surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as a person charged would have in the case of an original assessment; and the said council shall appoint a Court of Revision to consider such appeals in the manner heretofore provided.

Repair and maintenance, what deemed.

(4) The deepening, extending, or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of $200, and in every case where it exceeds that amount, proceedings shall be taken under the provisions of section 585.

Repayment of advances.

(5) In any of the cases referred to in this and the preceding sections, any moneys that have been or may hereafter be advanced by the council of any municipality out of its general funds in anticipation of the levies to be made for the purposes of the said sections, shall be recouped to the municipality so soon as the moneys derived from the assessment shall have been made. R.S.O. c. 184, s. 586 (2-5).

Application of ss. 583, 586 and 589.

Rev. Stat. cc. 36, 37.

587. The provisions of sections 583, 586 and 589 of this Act shall extend to drains constructed under the provisions of *The Ontario Drainage Act*, and amendments thereto, or of *The Ontario Drainage Act, 1873*, or of *The Municipal Drainage Aid Act*, the word "assessors" being substituted as to such drains for the words "engineer or surveyor" in the fifth line of section 583. R.S.O. c. 184, s. 587.

Drains to be kept free from obstructions.

Rev. Stat. c. 36.

588.—(1) In the event of any ditch, drain, creek or water-course that has been constructed or opened up under the provisions of *The Ontario Drainage Act*, or any of the amendments thereto, or under the provisions of any Act respecting drainage to be paid by local rate, becoming obstructed, so that the free flow of the water is impeded thereby, if the aforementioned obstructions have been wilfully or through negligence placed in such ditch, drain, creek, or water-course, by any party or parties through whose land, or between whose lands, such ditch, drain, creek, or water-course is situate, the party or parties

causing

causing the same shall, upon notification in writing by the council of the municipality, or an officer appointed by the council for the inspection or care of drains, remove such obstructions, and if not so removed within the time specified, the council shall, without further delay, have the same removed at the cost of the said party or parties.

(2) If such cost is not paid by the party or parties to the persons performing the same when the work is completed, the council shall pay the amount to the party performing the work; and the clerk of the municipality shall place such amount upon the collector's roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the county in which the lands are situate, in the same manner as is provided by section 11 of *The Ditches and Watercourses Act.* Rev. Stat. c. 220.

Penalty for obstructing drain.

(3) Any person or persons who shall wilfully and intentionally obstruct, fill up or injure, any drains constructed under the provisions of any of said Acts, or wilfully or intentionally cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, embankment or work in repair, and upon conviction thereof before a Justice of the Peace, be liable to a fine of not less than $1 nor more than $50. R. S. O. c. 184, s. 588.

Power to borrow funds for repairs to drainage works.

589.—(1) Where the repairs, required to be made under either section 583 or section 586, are so extensive that the municipal council does not deem it expedient to levy the cost thereof in one year, the said council may pass a by-law to borrow upon the debentures of the municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

(2) The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed, was published or notified in the manner provided by section 571 of this Act, or, after it was passed, was promulgated in the manner authorized by section 329 of this Act. R. S. O. c. 184, s. 589. Rev. Stat. c. 37.

Assessment when drain used by another municipality.

590. If a drain already constructed, hereafter constructed or proposed to be constructed by a municipality, is used as an outlet or will provide when constructed an outlet for the water of the lands of another municipality, or of a company or an individual, or if from the lands of any municipality, company or individual, water is by any means caused to flow upon and injure

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the lands of another municipality, company or individual, then the lands that use or will use such drain when constructed as an outlet either immediately, or by means of another drain from which water is caused to flow upon and injure lands, may be assessed in such proportion and amount as may be ascertained by the engineer or surveyor, Court of Revision, county judge or referee under the formalities, except the petition, provided in the foregoing sections, for the construction and maintenance of the drain so used or to be used as an outlet as aforesaid; or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow upon and injure the same.

Drainage disputes may be referred.

591. In case a dispute arises between municipalities, or between a company and a municipality, or between individuals and a municipality or company or between individuals, as to damages alleged to have been done to the property of the municipality, company or individual, in the construction of drainage works, or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said referee, who shall hear and determine the same and give in writing his award and decision, and his reasons therefor. 54 V. c. 51, s. 9.

Damages caused by drainage to be charged on land liable for cost of drainage. Rev. Stat. c. 36.

592. Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or order of any Court, or any award or order made by the referee under this Act, all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such drainage works; provided always, that if to enable the corporation to comply with any such judgment, order or award, it shall be necessary or expedient to change the course of any drain, or to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for all purposes, and in all respects be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of section 585, and all provisions of this Act applying to, or in respect of any work, alteration or improvement provided for by the said section, shall apply to any work, alteration or improvement intended to be provided for by this section. R. S. O. c. 184, s. 592.

Carrying drains into adjoining lots or across highways.

593. In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any

public

public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet, through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Watercourses Act*. R. S. O. c. 184, s. 593.

Rev. Stat. c. 220.

Power to contract to spread earth, etc., on making ditch for drainage.

594. Where, under the provisions of sections 569 to 632 both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made, by the municipal council so constructing, for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it. R. S. O. c. 184, s. 594.

Payment by municipality.

595. The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the engineer or provincial land surveyor may deem just and proper, shall be charged to the municipality and paid out of its general funds. R. S. O. c. 184, s. 595.

Construction of ditch on town line between municipalities.

596. Where it is necessary to construct such a ditch on a town line between two or more municipalities, the municipal council of either of the adjoining municipalities may, on petition, as provided for in section 569 of this Act, cause a ditch to be constructed on the road allowance between the municipalities, and make the road in manner as provided in the last preceding two sections of this Act, and shall charge the lands and roads benefited in the adjoining municipality or municipalities with such proportion of the cost of constructing the said ditch as the engineer or surveyor aforesaid deems just and proper; and the amount so charged for roads, or awarded by the referee, shall be paid out of the general funds of such municipality or municipalities. R. S. O. c. 184, s. 596.

Application of ss. 569-632.

597. The provisions of sections 569 to 632, both inclusive, of this Act, shall apply, as far as applicable, to such ditch. R. S. O. c. 184, s. 597.

Where more than one municipality in same County affected, county council may pass by-law.

598.—(1) Where any works proposed to be constructed in any locality under section 569 affect more than one municipality, either on account of such works passing, or partly passing, through two or more municipalities, or on account of the

 lowering

lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more townships, the county council of the county to which such municipalities belong upon the application of the council of any of the municipalities affected, and without any preliminary petition from the owners of the property to be benefited may pass by-laws for the purposes authorized by the said section.

Sections 569-574, 576, 590 and 591 to apply to work under this section.

(2) Unless where contrary to this Act the provisions of sections 569 to 574, 576, 590 and 591 shall apply to any works constructed under this section; but the Court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the county council for that purpose, who may or may not be members of the council, as the council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such Court may proceed and adjudicate upon any complaints, notwithstanding the absence of one or more of the members of the Court. The engineer or surveyor who made the assessment shall not be a member of the Court of Revision.

Where court for trial of complaints shall sit.

(3) The sittings of such Court shall be held in the county town, or in such other place or places as the county council or the majority of the said Court may name. All complaints against the assessment shall be lodged with the clerk of the county. R. S. O. c. 184, s. 598.

County to raise necessary funds, but townships to be liable for same.

599. The county shall raise the money necessary for the construction of the said works, but each township shall be liable to the county for the amount payable in respect of all the lands within such township, and each township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction. R. S. O. c. 184, s. 599.

Construction of works in several counties.

600.—(1) In case the municipalities upon which the cost of the works would fall are in several counties, any of the counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work, and estimates to be made of the cost thereof, including an estimate of the amount to be paid for damages, if any, and an assessment to be made by such engineer or surveyor of the real property to be benefited, stating, as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot.

Municipality may agree to indemnify county.

(2) Any municipality may agree to indemnify the county in respect of the expenses incurred in the case of the works not being proceeded with. R. S. O. c. 184, s. 600.

601. The council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in such of the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in any one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected. R.S.O. c. 184, s. 601.

If work approved by council report to be published, and copies of plans, etc., served on warden of each county.

602.—(1) In case ten of the owners of the property assessed, within ten days of the first publication of the report in a newspaper published in the county town of the county the council of which procured the examination to be made, petition such council not to proceed with the work, such council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed, upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman, shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of twenty-one years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required take the oath or affirmation following:

When votes of persons assessed to be taken.

Proviso.

You swear that you are of the full age of 21 years, and a natural born (*or* naturalized) subject of Her Majesty. Form of oath.

That you have not voted before in the township on the question now being voted upon.

That you are the owner (*or as the case may be*) of the lands in respect of which you claim to vote, namely (*here mention the lands*).

That you are, according to law, entitled to vote on the said question.

That you have not directly or indirectly, received any reward or gift nor do you expect to receive any, for the vote which you tender.

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

That you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting.

So help you God.

(2) The clerk of each municipality shall act as deputy returning officer at the polling place in such municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law.

Deputy returning officer and proceedings at poll.

(3)

Who to be returning officer.

(3) The clerk of the county council which passed the by-law shall act as returning officer. R. S. O. c. 184, s. 602.

Service of "requisition of appeal," and effect thereof.

603.—(1) If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the council or councils of the county or counties upon which two-thirds of the cost of such work fall, shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereinafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such council that if dissatisfied with such assessment they must, within thirty days from the receipt of such notice by their warden, appeal therefrom to the referee.

Time within which notice of appeal to be served.

(2) If the council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the referee, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight or misadventure, may upon such terms, as to the referee seem just, relieve them, and permit them to appeal.

Proviso.

Parties on whom notice of appeal to be served.

(3) In case a council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within thirty days of the receipt of the requisition by their warden, serve the warden of the county from which they received the requisition with a written notice of appeal stating the grounds thereof, and shall also serve each of the other counties affected with a like notice.

[*Sub-sections 4 to 7 of section 603 of Rev. Stat. c. 184, are omitted as being inconsistent with the provisions of The Drainage Trials Act, 1891.*

Referee to apportion cost of work.

604. The referee shall, by his award, determine the proportion of the cost of such work that is to be borne by each of the minor municipalities whose lands are affected thereby. R. S. O. c. 184, s. 604.

[*Sec. 605 of Rev. Stat. c. 184, is omitted as unnecessary, see section 16 of The Drainage Trials Act, 1891. Sec. 606 of Rev. Stat. c. 184, is omitted as inconsistent with said Act.*]

Right of minor municipalities interested to appear on arbitration.

607. Any of the minor municipalities interested may appear, by their head, or by their counsel or agent, before the referee, in support of the assessment, or of any variations which

they

they contend should be made in the proportions in which the minor municipalities are assessed. R. S. O. c. 184, s. 607.

Where several counties interested, by-laws for assessment not to be passed pending appeal.

608. In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained that there is not to be an appeal, or until after the award is made, where an appeal is had. R. S. O. c. 184, s. 608.

After award made, or after time for appeal expired, each county to pass by-law for raising sum required.

609. Immediately upon an award being made, or, in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon the real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested. R. S. O. c. 184, s. 609.

Application of ss. 584, 592, 598 (2, 3), and 599.

610. Sections 584, 592 and 599, and sub-sections 2 and 3 of section 598 shall apply to drainage works, in which several counties are interested, as well as to works which only affect one county. R. S. O. c. 184, s. 610.

Not to take away certain powers.

(*a*) Nothing in section 598 and subsequent sections contained shall be construed to reduce or take away the powers of any municipal council of a township, city, town or incorporated village to undertake and carry out drainage works under sections 569 to 597 (both inclusive) notwithstanding that such works affect more than one municipality.

Powers of municipalities to be subject to Rev. Stat. c. 199.

611. In case any of the drainage works hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the municipal councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in *The Railway Streets and Drains Act*. R. S. O. c. 184, s. 611.

Power to construct roads, etc., in townships as local improvements.

611*a*.—In case all the owners of the property or lots abutting according to the original survey by the Crown, on the road, street or public way hereinafter mentioned to be benefited thereby, in any part of any township, petition the council for the macadamizing, gravelling, planking, or otherwise improving by approved material, and draining any road, street or public way (describing it), or building a bridge in connection therewith, the council may procure an engineer or provincial land

surveyor

surveyor to make an examination of the said road, street or public way so proposed to be improved, and may procure plans and estimates to be made of the said work by such engineer or surveyor of the real property, municipalities and corporations to be benefited by such work, or the owners or occupants of which real property may or can use the same, stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every road and lot or portion of lot, and of any railway or street railway, or municipality or corporation; and if the council is of opinion that the proposed work or a portion thereof would be desirable, the council may pass by-laws:

1. For providing for the proposed work or a portion thereof being done, as the case may be.

2. For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of reference, if any, in sums of not less than $100 each, and payable within twenty years or less from date, with interest at the rate of not less than four per cent. per annum. 54 V. c. 42, s. 38.

Certain other provisions to apply.

611*b*.—The several provisions of this Act from section 569 to section 611*a*, both inclusive, and the amendments thereto not inconsistent with the last preceding section, and in aid thereof shall, *mutatis mutandis*, be applicable, as far as possible, to the making and improvement of the said road, street or public way, and the drainage and other work connected therewith, in manner hereinbefore provided, as if the said several sections related to roads and the improvement thereof, so as to make the said clauses efficient for the construction of roads in substantially the same way as drains are now constructed. 54 V. c. 42, s. 39.

Exemption of property specially assessed.

611*c*.—Any real property specially assessed by any council for any local improvement or work under the two last preceding sections of this Act, may be exempted by the council in whole or in part, from any general rate or assessment for the like purpose. 54 V. c. 42, s. 40.

Costs of pending litigation.

611*d*.—Nothing contained in sub-section 2 of section 569, sections 575, 576, 580, sub-section 1 of section 585, sections 590, 596 and 610 shall affect the costs of litigation pending at the date of the passing of this Act.

Cost of Local Improvements. Secs. 612-628.

By-laws for,

612. The council of every township, city, town, and incorporated village may pass by-laws for the following purposes:

1.

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment, or proposed scale of assessment, to the court of revision, and from the court of revision to the county judge, as is provided for by section 569 of this Act, and the proceedings thereon shall, except as otherwise provided in section 618 of this Act, be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*. Ascertaining real property benefited by local improvements. Appeal. Rev. Stat. c. 193.

2. For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or watercourse, and draining any locality, or the cost of making, enlarging or prolonging any common sewer, or of opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or of curbing, sodding, or planking any street, lane, alley, square, or other public place, or in any case where a system of waterworks has been constructed by such municipality, then, for providing for the cost of the extension within the limits of such municipality of branch mains and pipes, and all other work necessary for connecting the properties of the property owners with the waterworks system of said municipality, in order to permit such property owners to receive the benefit of such waterworks; or, in any case where a system for lighting within a municipality has been constructed, or erected, by such municipality then for providing for the cost of the extension within the limits of such municipality of the poles, wires and pipes, and all other work necessary for lighting any street, square or other public place whereon the lands to be benefited thereby front or abut, or of reconstructing any work hereby provided for. Assessing real property benefited for cost of certain works. Extension of waterworks system.

3. For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for such works or improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums. Regulating time and manner of payment of assessment.

4. For effecting any such work or improvements as aforesaid with funds provided by parties desirous of having the same effected. Doing work when funds furnished by parties.

5. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; and the council of every municipality which has not passed a by-law within and under the Construction of sewers, etc., in part to be provided by council.

provisions

provisions of section 625 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and also the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

Lands benefited to be charged with proportion of costs of certain local improvements.

6. If the contemplated works or improvements relate to any stream, creek, or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor specially benefit any lands lying within the municipality or any road or roads lying therein or any roads therein belonging to any other municipality or corporation, then the engineer or surveyor aforesaid shall charge the lands, road or roads to be so benefited, and the municipality, corporation, person or company whose lands, road or roads, are improved with such proportion of the cost of the work or improvement as he may deem just, and the amount so charged for lands or roads, or agreed upon by arbitration shall be paid by such person or out of the general funds of the municipality, corporation or company, as the case may be, and the provisions of this Act relating to drainage so far as applicable shall apply to any such work or improvement constructed under this section. 53 V. c. 50, s. 38, *part.*

Rate to be assessed on frontage.

613.—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon or extending to within six feet of the street or place whereon or wherein such improvement or work is proposed to be done or made.

Provision in case of insufficient or excessive assessment.

(2). If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvement or work, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid. 53 V. c. 50, s. 38, *part.*

Assessment of costs of certain local improvements in townships.

(3) In the case of a township, any portion of which is situate within five miles of a city containing 50,000 inhabitants or more, if the council shall determine that any real property other than that fronting or abutting on the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement made or to be made is specially benefited and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the land so benefited, the council may, upon the petition of three-fourths in number of the owners representing three-fourths in value of the lands to be benefited, assess and levy the proportion of the costs chargeable against the lands benefited, and whether or not fronting or abutting upon such street, lane,

alley,

alley, public way or place by frontage rate in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement is made or to be made; provided, however, that instead of assessing and levying by a frontage rate, the council may by by-law provide that the cost of the local improvement therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom, instead of by a frontage rate as hereinbefore provided.

Preceding sections not to apply to certain works.

614. Nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. 53 V. c. 50, s. 38, *part.*

General by-law for determining property benefited by improvements, sufficient.

615. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. 53 V. c. 50, s. 38, *part.*

By Petition or on Sanitary Grounds.

Council to undertake works on petition of owners to be benefited.

616.—(1) Upon the receipt of a petition praying for any of the works and improvements mentioned in the four preceding sections, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property, the council may take all proper and necessary proceedings for the execution and completion of such work or improvement with as little delay as possible.

"Owner" to include certain leaseholders.

(2) Where the word "owner" occurs in this Act in sections 569 to 629, both inclusive, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided for) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all municipal taxes on the demised property during the term of

said

said lease, and would be liable for the taxes for the proposed improvements, and every such lessee shall have the same right to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the property liable to be assessed therefor.

Owner not to petition where lessee may.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding sub-section, the owner of the property in fee shall not have such right, but this sub-section and sub-section two shall not apply to townships. 53 V. c. 50, s. 38, *part*.

Drains for sanitary purposes.

(4) If the council of any city or town upon the recommendation of the local board of health, affirms by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public interest, to construct, make, enlarge or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement, it shall not be necessary for such council to give notice of the proposed assessment for such local improvement, except the notice of the sitting of the court of revision for the purpose of hearing complaints against such proposed assessment that is required by sub-section 4 of section 618 of this Act. This shall not affect or impair the powers heretofore conferred upon any municipality by special Act. 53 V. c. 50, s. 38 *part*; 54 V. c. 42, s. 26.

On the Initiative.

Work to be done and rate to be assessed on property benefited, except where petitioned against.

617.—(1) Any such work or improvement may be undertaken by the council and the assessment of the cost thereof made upon the properties benefited thereby, unless the majority of the owners of such real property (to be ascertained as aforesaid), representing at least one-half in value thereof, petition the council against the same, within one month after the last publication of a notice of the intention of the council to undertake the said work, such notice to be inserted in at least two newspapers published in such township, city, town or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks.

Effect of petition against work.

(2) In the event of any such petition against any such proposed work or improvement, sufficiently signed, being presented to the council, no second notice for the same proposed work or improvement shall be given by the council within two years thereafter.

Determining number and value of property of petitioners.

(3) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent, may be ascertained and finally determined as aforesaid, or in such manner and by such means as are provided by by-law in that behalf.

(4)

(4) In any case when notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality pursuant to the provisions of *The Municipal Act* then in force, or any amending Act or Acts, and no petition sufficiently signed as aforesaid has been presented to the said council or to the succeeding council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as the authority for undertaking any such work, improvement or service, and for making such assessment or assessments, and passing all necessary by-laws whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. 53 V. c. 50, s. 38, *part.* Completion of local improvements.

617 (*a*) Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 612 to 623 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll of the municipality, petition for or against such local improvement upon satisfying the clerk of the municipality by a statutory declaration or otherwise that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll. 54 V. c. 42, s. 41. Owner whose name is not on assessment roll may petition.

Publication of Notice.

618.—(1) No by-law passed by the council of any township, city, town or incorporated village, under the provisions of sections 569, 570 or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or printed, or partly written and partly printed notice of the sitting of the court of revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or the agents of such owners and lessees of each parcel of real estate included in such by-laws and assessments. Notice may be served on owners, etc., in lieu of advertising.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the improvements, works or services, the total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice at least fifteen days before the day appointed for the Contents of notice.

sittings

sittings of the said court, and ten days notice shall also be given by publication in some newspaper having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is for and the total amount to be assessed.

Where special rate is a frontage rate general description sufficient when by-law passed under s. 615.

(3) Where the notice of the intention of the council to undertake any work or improvement is given under the provisions of a general by-law passed under section 615, and which provides, or is intended to provide, that the special rate to be assessed therefor shall be an annual rate according to the frontage of the real property fronting or abutting upon the street or the portion of the street or the place whereon or wherein the improvement or work is proposed to be done or made, it shall be sufficient if the notice of the proposed work or improvement describes the street or place or portion thereof, whereon or wherein the work or improvement is to be done or made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary to state the value of the real property ratable therefor, or to impose a rate upon such real property by any description other than that hereinbefore mentioned.

Notice of by-law and sitting of court of revision.

(6) In such cases the council shall procure a measurement of the frontage liable to the assessment for the cost of the proposed work or improvement and of the frontages exempt from taxation, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before its final decision to undertake the said proposed work or improvement, and the council shall also cause to be inserted in a public newspaper published within the municipality or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect;

Take notice that the municipal council of the corporation of the intends to (*describing the work*) on street, between (*describing the points between which the work has been or is to be made or constructed*) and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the clerk of the municipality and is open for inspection during office hours.

The estimated cost of the work is $ of which $ is to be provided out of the general funds of the municipality.

A court of revision will be held on at for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the court.

Dated

Clerk.

(5) There shall be the same right of appeal from any such proposed assessment to the court of revision, and from the court of revision to the county judge, as is provided in section 569 of this Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the court of revision and the county judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals. Appeals from court of revision.

(6) The said statement, or the same as altered or varied by the court of revision or the county judge upon appeal shall be final and conclusive as to all matters therein contained. 53 V. c. 50, s. 38, *part*. Assessment altered on appeal to be conclusive.

LOANS AND ADVANCES FOR COST OF LOCAL IMPROVEMENT.

619.—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance. Power to borrow funds for local improvements.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose. Time for repayment of loans.

(3) If in any case a debt has been incurred by the municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement; Provided always Where special assessments irregular new assessments may be made. Proviso.

always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

(*a*) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted by the council, recommending the proposed work or improvement for sanitary or drainage purposes or

(*b*) On a petition of the owners of the real property; benefited, sufficiently signed; or

(*c*) After due notice, as above provided, of the proposed assessment, and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited against the proposed assessment being presented to the council within the time limited therefor. 53 V. c. 50, s. 38, *part.*

ASSESSMENTS FOR LOCAL IMPROVEMENTS.

Cost of sewers.

620.—(1) In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or incorporated village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street, and may include the cost of such branch drains in making the assessment or such drains or sewers, as a local improvement pursuant to the last preceding section.

Where other property receives benefit of sewer as well as that fronting on street drained.

(2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which such a sewer shall hereafter be constructed such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then and in every such case the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner provided by sections 618 and 619 of this Act. 53 V. c. 50, s. 38, *part.*

Local improvements.

(3) In case the council of such municipality is about to construct, renew or alter the character of a pavement on any street, highway or public place, or portion thereof, as a local improvement, the council may, before putting down such pavement, put in all necessary private drain connections, from any existing drain or sewer upon such street or portion thereof to the street line on each side of the drain or sewer, and also all necessary water mains, and may assess and levy the cost thereof, and of any alterations of service

pipes

pipes and stop-cocks, necessitated thereby against the particular properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 612 of this Act. 54 V. c. 42, s. 27.

Assessment of corner lots, etc., for local improvements.

(4) The council of every township, city, town and incorporated village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or improvements; but any such assessment shall be subject to appeal to the court of revision and from the court of revision to the county judge as herein provided.

Refund of part of special rate for local improvements imposed on corner lots, etc,

(5) It shall and may be lawful for the council of any township, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passing of the by-law authorizing the refund or remission.

Determining proportion of cost of work in special cases.

(6) Where the lands on either side of a street, lane, or alley in a city, town or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. 53 V. c. 50, s. 38, *part.*

Assessment for boulevards, etc.

(7) Real property adjoining and fronting on any park, square, public drive or boulevard shall be specially assessable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive or boule-

vard

vard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally; and no petition against any such assessment shall avail to prevent the carrying out of any improvement, work or service in any such park, square, drive, or boulevard, and the making of such special assessment. 53 V. c. 50, s. 38, *part*; 54 V. c. 42, s. 28.

BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Cost of constructing bridges or culverts and of opening and extending streets.

621.—(1) Where it shall, in the opinion of the council of any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements, and that all assessments made under the above provisions shall be subject to an appeal to the court of revision and from the court of revision to the county judge in like manner as in the case of other special assessments for local improvements, under the provisions of this Act.

Assessment of lands benefited not fronting on street improved.

(2) If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane or alley, the council shall determine that any real property other than that fronting or abutting on the street, lane or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited the council shall assess and levy the proportion of the cost chargeable against the lands benefited, but not fronting or abutting upon

such

such street, lane, or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the portion thereof whereon or wherein the improvement is made or to be made.

Assessments for local improvements in townships.

(3) Or in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided, and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and levied, as for local improvements upon the real property benefited thereby as above provided.

(*a*) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal to the judge of the county court as in the case of other special assessments for local improvements. 53 V. c. 50, s. 38, *part.*

Where council declares whole municipality benefited by construction of bridge, etc.

622. In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. 53 V. c. 50, s. 38.

Council may permit owners to build or improve sidewalks in front of lands.

623. The council may permit the owner or owners of lands in any township, city, town, or incorporated village to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. 53 V. c. 50, s. 38, *part.*

Powers of county judge upon appeal.

55 V. c. 48.

623*a*.—Whenever in cities and towns an appeal lies from the court of revision to the county court judge under sections 569 to 623 inclusive, the said county judge shall, in addition to his other powers under this Act and *The Assessment Act*, have the power to inquire and determine what other lands (if any) than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and to add such lands to the assessment, notwithstanding such lands or any part thereof may not have been specified in any notice of appeal to the said judge; and the said judge shall cause all parties to be affected by the addition to the assessment of their lands, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time. 53 V. c. 50, s. 38, *part*.

Laying sidewalks as local improvements in cities.

623*b*.—Notwithstanding anything contained in the preceding fourteen sections of this Act or in any by-law of the municipality, the corporation of any city or town may construct and lay down a plank sidewalk upon and along any street, lane, alley or other thoroughfare or park in the said city or town as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is in the opinion of two-thirds of the members present at any regular meeting of the city or town council desirable in the public interest. 53 V. c. 50, s. 42; 54 V. c. 42, ss. 33-34.

Property specially assessed to be exempt from general assessment for same purpose.

624.—(1) Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment.

(2) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the council.

(3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the council may accede to the proposal for an arbitration.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county court judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council.

(5) Where, by reason of a special assessment, the owners are exempted from a general rate, for the like purpose, as afore-

said, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality. R. S. O. c. 184, s. 624.

Local improvement charge and covenant against incumbrances.

624*a*. Where local improvements benefiting real property have heretofore or shall hereafter be made under the provisions of the local improvement clauses of this Act the costs whereof, in whole or in part, have been charged upon or against the real property, the petitioning for or procuring to be made, or the making of any such local improvements or the charging the costs thereof upon or against the real property, or the fact that they are a charge upon or against such real property, shall not be deemed to be a breach of the covenant by a vendor or person agreeing to sell that he has done no act to encumber the real property, except to the extent that the annual or other payments in respect of such charge are in arrear, and unpaid, but this shall not affect or apply to any case already adjudicated upon or now pending in litigation. 54 V. c. 42, s. 35.

By-laws directing future improvements to be made by local assessment.

625.—(1) The council of any township, city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 612 and 629, shall be by special assessment on the property benefited, and not exempt by law from assessment.

Repeal of by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time the exemption is to cease, is to be determined by arbitration, and the arbitrator is to be appointed by the County Judge, on the application of the council.

Repairing and cleaning streets.

(3) Notwithstanding anything contained in sub-section 3 of section 612, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted

and

and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services. R.S.O. c. 184, s. 625.

Assessment of lands in connection with churches for local improvements.

626. Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land for local improvements hereafter made or to be made. 53 V. c. 55, s. 1. [*See Assessment Act, sec. 7 (3)*].

Assessment of colleges, etc.

626*a*. The buildings and grounds of and attached to a university, college or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This section does not apply to schools which are maintained in whole or in part by a legislative grant or a school tax. 53 V. c. 55, s. 3. [*See Assessment Act, sec. 7 (4)*].

Proviso.

Certain part of improvements may be charged on general rates.

627.—(1) In case of a special assessment on property benefited by local improvement, the council of the municipality (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment: and the council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

Provisions as to "Local Improvement Debentures."

(2) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the municipality; and the debentures being issued to pay for that part of the work payable by local assessment may, if the council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This sub-section shall be deemed declaratory of the law on and from the 5th day of March, 1880. R.S.O. c. 184, s. 627.

Assent of electors not required to by-laws for raising Municipality's share of cost of local improvements

628.—(1) The council of any township, city, town, or incorporated village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works, on the credit of such

township,

township, city, town or incorporated village at large; and it shall not be necessary to obtain the assent of the electors of such township, city, town, or village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such township, city, town, or village beyond the limits thereof fixed by any Act limiting the same.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the township, city, town, or incorporated village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. R.S.O. c. 184, s. 628.

Sweeping, Lighting and Watering Streets.

Sweeping lighting and watering streets.

629.—(1) The council of every township, city, town and incorporated village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid. R.S.O. c. 184, s. 629 (1).

Special rate may be imposed therefor.

(2) The council may also, by by-law, define certain areas or sections within the municipality, in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council, in order to pay any expenses incurred in watering sweeping or lighting such streets. R.S.O. c. 184, s. 629 (2); 54 V. c. 42, s. 29.

Cutting grass, etc.

(3) The council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same.

(4)

Removal of snow, ice, etc.

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the side-, walks, streets, lanes or alleys, in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or other obstruction. R.S.O. c. 184, s. 629, (3-4).

DIVISION II.—TOWNSHIPS AND VILLAGES.

Light, Water and Fire Protection. Sec. 630.

Lighting, water-works, and fire protection.

630.—(1) In addition to the powers conferred upon the councils of townships and incorporated villages by sections 612 to 628, both inclusive, of this Act, the council of any such township or village, under and subject to the provisions of the said sections, may pass by-laws providing for lighting, or for the construction of water works or for the purchase of fire engines and other appliances for the purpose of fire protection. R.S.O. c. 184, s. 630, (1); 52 V. c. 36, s. 40.

(2) The said council may, by the same or any subsequent by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also, by such by-law, make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works, fire engine and appliances. R.S.O. c. 184, s. 630, (2); 54 V. c. 42, s. 30.

(3) Sub-section 3 of section 612 of this Act, shall not apply to any works constructed under the powers by this section conferred. R.S.O. c. 184, s. 630, (3).

Fire trustees.

(4) The council of a township may also by the same or any subsequent by-law, direct in any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased, that at the then next ensuing, and at each subsequent municipal election for the municipality, three trustees, with the powers and for the purposes hereinafter mentioned, be elected for the same periods of time and in the same manner as municipal councillors are elected, provided, however, that no person shall have a vote at said election of said trustees unless he or she be the owner of real property defined by a by-law of the said municipality as real estate to be benefited by and charged with the cost of the purchase of such fire engine and appliances, and has the same qualifications as are required by this Act to enable owners of real estate to vote at municipal elections.

Proviso.

(5)

(5) The said trustees shall have the care, control and management of said fire engine and appliances. 54 V. c. 42, s. 31.

Maintaining and repairing highways in townships.

630*a*.—(1) In addition to the powers conferred upon the councils of townships by sections 612 and 628, both inclusive, and by section 630 of this Act, the council of any township, may, on the petition of two-thirds in number of the owners, representing one-half in value of the property proposed to be assessed and subject to the provisions of said sections, may pass by-laws providing for the maintenance and repair of any highway or portion thereof which has theretofore been a toll road, and has been abandoned as such, within the jurisdiction of such council, and may define by the same or any subsequent by-law what real property will be immediately benefited by the work, and is to be charged with the cost thereof, and may also declare what proportion of the cost is to be borne by the real property within the limits defined by the by-law, and what proportion shall be borne by the general funds of the township, and may also by by-law make provision for assessing and levying upon the property so defined the cost of such maintenance and repairs not provided by the township.

(2) Sub-section 3 of section 612 of this Act and section 624 shall not apply to work done under the provisions of this section. 53 V. c. 50, s. 39.

Division III.—Counties.

Special rates by County Councils for local improvements in Townships. Secs. 631-633.

Special rates for local improvements in townships.

631. The council of every county shall have power to pass by-laws for levying, by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more specially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any town or incorporated village. R.S.O. c. 184, s. 631.

Proceedings to obtain by-law.

632. No by-law under the last preceding section shall be passed, except—

Petition.

1. Upon a petition signed by at least two-thirds of the electors who are rated for at least one half of the value of the property within those parts of such township which are to be affected by the by-law; nor

Notice to be posted up, and published for three weeks.

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law

by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the county town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. R.S.O. c. 184, s. 632.

Power to pass by-laws acquiring roads, etc., lying within one or more townships, etc., and to levy special rate for improvement thereof.

633.—(1) A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within or adjacent to one or more townships or incorporated towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the municipalities which shall be immediately benefited by such road, bridge or public work.

Particulars which are to be stated in the by-law.

(2) Such by-law shall state the amount to be raised for such work, and shall define the municipalities forming the portion of the county municipality to be affected by the by-law, and the portion of work to be performed in each municipality, and shall provide for the raising of the said amount by the issue of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the ratable property, lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

By-law to be submitted to electors in portion of county interested.

(3) The by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of said county to be affected by said by-law who are entitled to vote on money by-laws.

By-law only to apply to those municipalities in which it has a majority of votes.

(4) In case there should be a majority of votes cast against the by-law in any one or more of the municipalities mentioned therein, although the by-law be carried, then the same shall only apply to those municipalities in which it has received a majority of the votes cast, and shall not affect the other municipalities mentioned, in any way, and the amount of money mentioned in the by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the by-law, would have been required to pay under the by-law.

By-law, if carried in some municipalities only, may be passed or dropped.

(5) In case there should be a majority of votes cast against the by-law in any one or more municipalities mentioned therein, although the by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of votes

in

in favour of the by-law, the same may be read a third time and passed by the county council, or dropped altogether; but in case the by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favour of the by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

General provisions to apply to voting, etc

(6) In all other respects the voting on the by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act.

(7) Cities and towns separated from the county may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free. R.S.O. c. 184, s. 633.

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

Aiding railways by taking stock, etc. *Sec.* 634.
When head of Council to be a Director ex-officio. *Sec.* 635.
Aiding Railways by portions of Townships. *Sec.* 635*a*.
Townships may permit Railways to be constructed on highways, etc. *Sec.* 636.
Aiding Street Railways by portion of Municipality. *Sec.* 636*a*.
Grouping clauses repealed. *Sec.* 637.

By-laws may be made for—

634. The council of every county, township, city, town and incorporated village may pass by-laws—

Taking stock in certain railways or guaranteeing debentures.

1. For subscribing for any number of shares in the capital stock of, or for lending to, or guaranteeing the payment of any sum of money borrowed by, an incorporated railway company to which section 18 of the statute 14 and 15 Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of *The Railway Act of Ontario*, have been or may be made applicable by any special Act; or to which the equivalent sections of *The Railway Act* of Canada do now or may hereafter apply; R.S.O. c. 184, s. 634 (1); 52 V. c. 36, s. 41.

Rev. Stat. c. 170. s. 39.

For guaranteeing the payment of debentures, etc.

2. For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time, upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted;

3.

For issuing debentures, etc.

3. For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than $20, and bearing or not bearing interest, as the municipal council thinks meet;

Bonuses.

4. For granting bonuses to any railway company in aid of such railway, and for issuing debentures, in the same manner as is in the preceding sub-section provided, for raising money to meet such bonuses;

Form of debenture.

5. For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively;

Assent of electors necessary.

But no municipal corporation shall subscribe for stock, or incur a debt or liability, for the purposes aforesaid, unless the by-law, before the final passing thereof, receives the assent of the electors of the municipality in manner provided by this Act. R.S.O. c. 184, s. 634 (2-5). *See also* R. S. O. c. 170, s. 39 (3), *and sec.* 320 *ante.*

In certain cases, head of council to be *ex officio* a director.

635. In case any municipal council subscribes for and holds stock in a railway company under the next preceding section to the amount of $20,000 or upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. R.S.O. c. 184, s. 635. *See also* R. S. O. c. 170, s. 39 (4).

Aid to railways by portions of townships.

635 (*a*)—(1) In addition to the powers conferred by section 634 a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways.

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty or a majority of the freeholders in such portion of the township, being duly qualified voters under this Act.

(3) The by-law shall in each instance provide:

(*a*)

(*a*) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the applicatian of the amount to be raised thereby as may be expressed in the said by-law;

(*b*) For assessing and levying upon all ratable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases. 51 V. c. 28, s. 34; 53 V. c. 50, s. 2.

By-laws authorizing branch railways, tram and other railways along highways. Rev. Stat. c. 170.

636. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in *The Railway Act of Ontario,* and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways, along any highway, on such terms and conditions as the council sees fit. R.S.O. c. 184, s. 636.

Aid to street railways from portion of municipality.

636 (*a*)—(1) The majority in number of the persons shewn by the last revised assessment roll to be the owners of the real property comprised in any portion of a township, city, town or incorporated village to be defined in the petition hereinafter referred to and who represent at least one-half in value according to such assessment roll of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through or partly through or near to such portion, and may in such petition define the manner and amount of the aid desired.

By-law to be passed by council for levying rates.

(2) Upon receipt of such petition, the council after the assent of a majority of the ratepayers within such portion of the municipality, who are entitled to vote thereon, has been obtained, in the manner provided by this Act, may pass the by-law for the granting of such aid in accordance with the petition and for raising the amount petitioned for in the portion of the municipality mentioned in the petition, by the issue of debentures of the municipality, and for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the by-law, and for the assessing and levying upon all the ratable real property lying within the portion of the municipality defined in the by-law an

annual

annual special rate for the repayment of the said debentures within twenty years, with the interest thereon payable yearly or half-yearly, which debentures the council, reeves and other officers of the municipality are hereby authorized to execute and issue.

Repayment of debentures and interest.

(3) The principal and interest of such debentures may be made repayable by annual instalments, as provided for by section 342 of this Act, or a sinking fund may be provided for by the by-law.

Arbitration as to rate for transfer tickets where two companies operating lines in municipality.

(4) In any and every case in which street railways lines are built by different duly incorporated street railway companies in the same or adjoining municipalities along different routes to the same terminal point, then in case an agreement cannot be arrived at between two such companies providing for the exchange and transfer of tickets for a continuous trip over both such lines or portion thereof, the matters in difference in respect thereof shall be referred to arbitration under the provisions of this Act. 54 V. c. 42, s. 36.

Grouping clauses in railway Acts passed on or before 5th March, 1880, repealed.

637. So much of any enactment in private and other Acts, passed on or before the 5th day of March, 1880, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other muncipalities, for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared be to inoperative. R.S.O. c. 184, s. 637.

TITLE V.—POWERS OF MUNICIPAL COUNCILS AS TO AIDING IRON SMELTING WORKS IN CERTAIN DISTRICTS.

Granting aid by way of bonus to certain manufacturers.

637 *a*—The council of every municipality within the districts of Algoma, Thunder Bay, Rainy River and Nipissing, whether established under the provisions of chapter 185 of the Revised Statutes of Ontario or of any special Act may pass by-laws:

For granting aid by way of bonus for the promotion of iron or other smelting works within its limits or within the limits of any municipality contributing aid thereto, by granting such sum or sums of money to such person or body corporate, in respect of such industry as the said municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient;

Assent of electors necessary.

(*a*) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the

provisions

provisions of this Act in respect of by-laws for creating debts, and shall obtain the assent of one-third of all ratepayers entitled to vote as well as a majority of the ratepayers voting on such by-law.

Persons interested in company not to vote on by-law aiding same.

(*b*) No property owner or lessee interested in, or holding shares or stock in, any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid.

Security may be taken.

(*c*) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given.

PART VIII.

POLICE VILLAGES.

Div. I.—Formation of.
Div. II.—Trustees, and Election of.
Div. III.—Duties of Police Trustees.

Division I.—Formation of.

Existing Villages continued. *Sec.* 638.
New Police Villages.—how formed. *Sec.* 639.

Existing police villages continued.

638. Until otherwise provided by competent authority, every existing police village shall continue to be a police village, with the boundaries now established. R.S.O. c. 184, s. 638.

New police villages.

639. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. R.S.O. c. 184, s. 639.

Division II.—Trustees, and Election Thereof.

Existing Trustees continued. *Sec.* 640.
Trustees three in number. *Sec.* 641.
Qualification required for. *Secs.* 642, 643.
Electors, who are. *Sec.* 644.
Election, where to be held. *Secs.* 645-647.

Returning

Returning Officer, how appointed. *Sec.* 645.
Election not to be held in a tavern. *Sec.* 647.
Nomination, how conducted. *Secs.* 648-650.
Polling, how conducted. *Secs.* 651-655.
Powers of Returning Officer. *Sec.* 656.
Tenure of Office. *Sec.* 657.
Return of Voters' lists, etc. *Sec.* 658.
Vacancies, how filled. *Sec.* 659.
Inspecting Trustees, how appointed. *Sec.* 660.

Present trustees continued.

640. The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. R.S.O. c. 184, s. 640.

Number of trustees.

641. The trustees of every police village shall be three in number. R.S.O. c. 184, s. 641.

Qualification of trustees.

642. The persons qualified to be elected police trustees shall be such persons as reside within the police village or within two miles thereof, and are eligible to be elected township councillors, and are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. R.S.O. c. 184, s. 642.

Deficiency in number of qualified persons.

643. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. R.S.O. c. 184, s. 643.

Qualification of electors.

644. Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustees. R.S.O. c. 184, s. 644.

Place for holding first election, etc.

645. The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. R. S. O. c. 184, s. 645.

Place for holding subsequent elections, etc.

646. In a police village, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places within such village for holding nominations and elections. R. S. O. c. 184, s. 646.

No election to be held in a tavern.

647. No election of police trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. R. S. O. c. 184, s. 647.

Nomination meeting.

648.—(1) A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the trustees.

(2)

(2) When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. R. S. O. c. 184, s. 648. Provision for Christmas day.

649. The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. R. S. O. c. 184, s. 649. Who to preside.

650. If only three candidates are proposed and seconded the returning officer or chairman shall, after a lapse of one hour, declare such candidates duly elected. R. S. O. c. 184, s. 650. If no more candidates than offices.

651. If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. R. S. O. c. 184, s. 651. If more, and poll demanded. Election.

652. The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said police village, such as is required to be furnished under the next succeeding section. R. S. O. c. 184, s. 652. Notice of persons proposed, to be posted. List of voters to be obtained.

653. The clerk of the township, or clerks of the townships in which any police village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at township municipal elections, in respect of real property situate, or income received in the said police village, or in the portion thereof in the municipality of such clerk, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. c. 184, s. 653. Clerk of township to furnish alphabetical list of voters.

654. The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. R. S O. c. 184, s. 654. Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councillors etc.

655.

Casting vote.

655. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the returning officer shall not vote at such election. R. S. O. c. 184, s. 655.

Powers of returning officer.

656. The returning officer shall have the like powers for the preservation of the peace as are given to returning officers and deputy returning officers at municipal elections. R. S. O. c. 184, s. 656.

Term of office.

657. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. R. S. O. c. 184, s. 657.

Returning officer to return ballot papers, etc., to clerk of township, verified under oath.

658. Every returning officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any Justice of the Peace for the county or union of counties in which the village lies, as to the due and correct taking of the votes. R. S. O. c. 184, s. 658.

Filling vacancies.

659. In case of a vacancy in the office of a police trustee by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. R. S. O. c. 184, s. 659.

Appointment of inspecting trustees.

660. The trustees of every police village, or any two of such trustees, shall, by writing under their hands, to be filed with the clerk of the township, or in case the village lies in several townships, with the clerk of the county, appoint one of their number to be inspecting trustee. R. S. O. c. 184, s. 660.

DIVISION III.—DUTIES AND POWERS OF POLICE TRUSTEES.

Oaths of office and qualification. *Sec.* 661.
First meeting of. *Sec.* 662.
Expenditure, how provided for. *Secs.* 663-666.
Regulations to be enforced by Trustees. *Sec.* 667.
Prevention of Fire. (1-12)
Gunpowder. (13, 14)
Nuisances. (15)
Penalties. *Secs.* 668-670.
Neglect of duty by Trustees how punishable. *Sec.* 669.
Limitation of actions for penalties. *Sec.* 670.

661. Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. R. S. O. c. 184, s. 661. Oaths of office and qualification.

662. The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. R. S. O. c. 184, s. 662. When first meeting to be held.

663. The trustees, at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. R. S. O. c. 184, s. 663. Expenditure, how provided for.

663*a*. The rate levied for police village purposes upon the property liable to assessment in such village by the township or townships in which the police village is situated, shall be in lieu of such proportion of the township rate now levied for the same or like purposes within such village as the trustees and the council may by agreement provide. Rates levied in police villages.

663*b*. The trustees of every police village may pass by-laws for letting contracts, or employing labour and purchasing material, for building sidewalks, culverts, putting in drains and making, repairing and improving streets, and doing all things necessary for such purposes within the limits of the police village. Powers of trustees of police villages.

664. In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, as shewn by the last equalized assessment rolls. R. S. O. c. 184, s. 664. Where village in two or mor townships.

665. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. R. S. O. c. 184, s. 665. Payment of orders given by trustees, etc.

666. No trustee shall give such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. R. S. O. c. 184, s. 666. When orders may be given.

Following regulations to be enforced:

667. The trustees of every police village shall execute and enforce therein the regulations following:

Prevention of Fire.

For providing ladders, etc.

1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a

Penalty.

penalty of $1 for every omission; and a further penalty of $2 for every week such omission continues.

Fire buckets.

Penalty.

2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of $1 for each bucket deficient.

As to furnaces, etc.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in

Penalty.

which the oven or furnace is built, under a penalty not exceeding $2 for non-compliance.

Stove pipes, etc.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and

Penalty.

any lathed partition or wood-work, under a penalty of $2.

Lights in stables, etc.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly

Penalty.

secured, under a penalty of $1.

Chimneys.

6. No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in

Penalty.

a stove of iron or other metal, properly secured, under a penalty of $1.

Securing fire carried through streets, etc.

7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin

Penalty.

vessel, under a penalty of $1 for the first offence, and of $2 for every subsequent offence.

Lighting fires on streets. penalty.

8. No person shall light a fire in a street, lane or public place, under a penalty of $1.

Hay, straw, etc.

9. No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of $1

Penalty.

for the first offence, and of $5 for every week the hay, straw or fodder is suffered to remain there.

Ashes, etc.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel,

box

box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of $1. Penalty.

11. No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of $1, and a further penalty of $2 a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire. Lime. Penalty.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of $5. Charcoal furnaces. Penalty.

Gunpowder.

13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of $5 for the first offence, and $10 for every subsequent offence. Gunpowder, how to be kept. Penalty.

14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of $10 for the first offence, and of $20 for every subsequent offence. Not to be sold at night. Penalty.

Nuisances.

15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of $1, and a further penalty of $2 for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. R. S. O. c. 184, s. 667. Certain nuisances prohibited.

Penalties.

668. The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a Justice of the Peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be no such Justice then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply Who to sue for penalties. And before whom. Conviction and levy of penalty.

the

the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. R. S. O c. 184, s. 668.

Penalty for breach of duty by trustees.

669. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of $5. R. S. O. c. 184, s. 669.

When prosecutions to be commenced.

670. The penalties prescribed by the next preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. R. S. O. c. 184, s. 670.

CONFIRMING AND SAVING CLAUSES.

Exceptions from repeal.

671. Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers 2, 3, 4, 6, 7, 8, 9, 10 and 11, and Schedule C of the same Act, numbers 1, 2 and 3, and Schedule B of the Act of 1850, numbers 1, 5, 12, 13, 14 and 15; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburgh, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. R. S. O c. 184, s. 671.

Boundaries of cities and towns.

Amherstburgh.

Proclamations.

Special Acts.

50 V., c. 2, to apply to Act.

671(*a*). The Act entitled *An Act respecting the Revised Statutes of Ontario, 1887*, passed in the fiftieth year of Her Majesty's reign, chaptered 2, from section 7 to section 10 thereof, both inclusive, shall in so far as the same may be applicable and unless where inconsistent with this Act, apply hereto. 53 V. c. 50, s. 45.

Rev. Stat. c. 185, not affected.

672. Nothing herein contained shall affect *The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.* R. S. O. c. 184, s. 672.

673.

673. Sections 39 and 41 of *The Municipal Amendment Act, 1888*, sections 43 and 45 of *The Municipal Amendment Act, 1889* and section 42 of *The Municipal Amendment Act, 1891*, are repealed. 51 V. c. 28, ss. 39 and 41, 53 V. c. 36, ss. 43 and 45, and 54 V. c. 42, s. 42 repealed.

674. The Acts and parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of Outario, excepting special Acts which have been enacted to confer specific powers on certain municipalities are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. Inconsistent enactments repealed. Exception.

675. In case of there being found to be any conflict between any provision in this Act and any provision in *The Municipal Amendment Act, 1892*, the former is to be deemed to be the provision in force, and the inconsistent provision in the amendment Act is to be construed as repealed. Inconsistent provisions in 55 V. c. 43.

SCHEDULE A.

(Section 123.)

FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No. , day of January, 18 .

FOR MAYOR.

ALLAN.

Charles Allan, King Street, City of Toronto, Merchant.

BROWN.

William Brown, City of Toronto, Banker.

FORM FOR ALDERMAN.

Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No. , day of January, 18 .

FOR ALDERMAN.

ARGO.

James Argo, City of Toronto Gentleman.

BAKER.

Samuel Baker, City of Toronto, Baker.

DUNCAN.

Robert Duncan, City of Toronto, Printer.

(2. *In the case of Towns divided into Wards.*)

FORM FOR MAYOR, REEVE AND DEPUTY REEVE.

Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR MAYOR.	**THOMPSON.** Jacob Thompson of the Town of Barrie, Merchant.	X
	WALKER. Robert Walker, of the Town of Barrie, Physician.	
FOR REEVE (if any).	**BROWN.** JohnBrown, of the Town of Barrie, Merchant.	
	ROBINSON. George Robinson, of the Town of Barrie, Merchant.	X
FOR DEPUTY REEVE (if any).	**ARMOUR.** Jacob Armour, of the Town of Barrie, Pumpmaker.	
	BOYD. Zachary Boyd, of the Town of Barrie, Tinsmith.	X

FORM FOR COUNCILLORS.

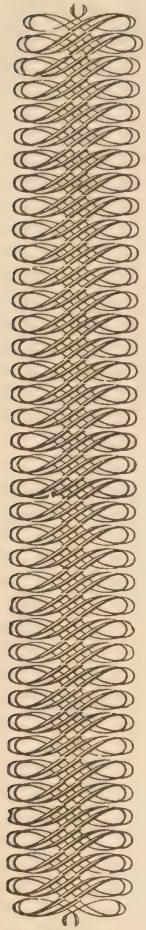
Election for the Members of the Municipal Council of the Town of , Ward No. Polling Subdivision No. day of January, 18 .

FOR COUNCILLOR.	**BULL.** John Bull, of the Town of Barrie, Butcher.	X
	JONES. Morgan Jones, of the Town of Barrie, Grocer.	
	McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
	O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman.	X

FORM

(3. *In the case of Townships divided into Wards.*)

FORM FOR COUNCILLORS.



Election of Members of the Municipal Council of the Township of , in the County of

Ward No. ,

day of January, 18 .

FOR COUNCILLOR.

BULL.

John Bull, of the Township of York, Doctor of Medicine.

JONES.

Morgan Jones, of the Township of York, Farmer.

McALLISTER.

Allister McAllister, of the Township of York, Farmer.

O'CONNELL.

Patrick O'Connell, of the Township of York, Lumber Merchant.

RUAN.

Malachi Ruan, of the Township of York, Farmer.

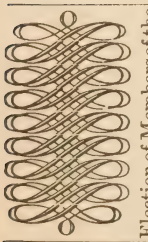
SCHULTZE.

Gottfried Schultze, of the Township of York, Farmer.

WASHINGTON.

George Washington, of the Township of York, Gentleman.

FORM FOR REEVE.



Election of Members of the Municipal Council of the Township of , in the County of

Ward No. ,

day of January, 18 .

FOR REEVE.

BARDELL.

Thomas Bardell, of the Township of Peel, Yeoman.

SNODGRASS.

Alfred Snodgrass, of the Township of Peel, Yeoman.

(4. *In the case of Incorporated Villages and Townships not divided into Wards.*)



Election of Members for the Municipal Council of the Village (*or* Township of , in the County of , Polling subdivision No. , day of January, 18 .

FOR REEVE.	**BROWN.** John Brown, of the Village of Weston, Merchant.
	ROBINSON George Robinson, of the Village of Weston, Physician.
FOR DEPUTY REEVE. (if any).	**ARMOUR.** Jacob Armour, of the Village of Weston, Pumpmaker.
	BOYD. Zachary Boyd, of the Village of Weston, Tinsmith.
FOR COUNCILLOR.	**BULL.** John Bull, of the Village of Weston, Butcher.
	JONES. Morgan Jones, of the Village of Weston, Grocer.
	McALLISTER. Allister McAllister, of the Village of Weston, Tailor.
	O'CONNELL. Patrick O'Connell, of the Village of Weston, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, etc.

R. S. O. c. 184, Sched. A.

SCHEDULE

SCHEDULE B.

(*Sections 126 and 146.*)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus ×, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

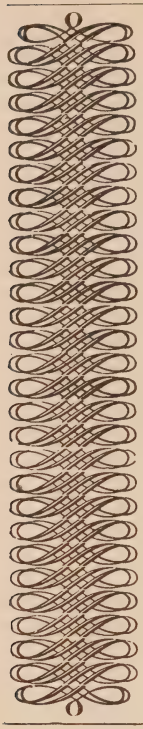
If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

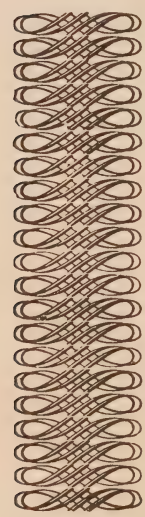
In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON *and* ROBERT WALKER; *for Reeve,* JOHN BROWN *and* GEORGE ROBINSON; *for Deputy Reeve,* JACOB ARMOUR *and* ZACHARY BOYD; *and for Councillors,* JOHN BULL, MORGAN JONES, ALLISTER MCALLISTER *and* PATRICK O'CONNELL; *and the elector has marked the first paper in favour of* JACOB THOMPSON *for Mayor,* GEORGE ROBINSON *for Reeve, and* ZACHARY BOYD *for Deputy Reeve, and has marked the second paper in favour of* JOHN BULL *and* PATRICK O'CONNELL *for Councillors*:

— — —



Election for the Members of the Municipal Council of the Town of Ward No. , Polling Subdivision No. day of January, 18 .

FOR MAYOR.	**THOMPSON.** Jacob Thompson, of the Town of Barrie, Merchant.	X
	WALKER. Robert Walker, of the Town of Barrie, Physician.	
FOR REEVE (if any).	**BROWN,** John Brown, of the Town of Barrie, Merchant.	
	ROBINSON. George Robinson, of the Town of Barrie, Merchant.	X
FOR DEPUTY REEVE (if any).	**ARMOUR.** Jacob Armour, of the Town of Barrie, Pumpmaker.	
	BOYD. Zachary Boyd, of the Town of Barrie, Tinsmith.	X



Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR COUNCILLOR.	**BULL.** John Bull, of the Town of Barrie, Butcher.	X
	JONES. Morgan Jones, of the Town of Barrie, Grocer.	
	McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
	O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman.	X

R. S. O. c. 184, Sched. B.

SCHEDULE

SCHEDULE C.

(*Sections* 129, 130, 131, 132 *and* 303).

FORM IN WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Householder, Tenant, Farmers' Son, or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Mayor and Reeve.	Councillor.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

R. S. O. c. 184; 54 V. c. 42, s. 3. *Sched.* C.

SCHEDULE D.

(*Section* 135.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the
of 18 .

I, *A. B.*, Clerk of the Municipality of , in the County of , do hereby certify that the assessment roll for this Township (*or as the case may be*) of upon which the voters' list to be used at this election is based, was returned to me by the Assessor for said Township (*or as the case may be*) on the day of , 18 , and that the same was finally revised and corrected on the day of , 18 .

Dated this day of , 18 .

A. B.,
Clerk.

R. S. O. c. 184, *Sched.* D.

SCHEDULE E.

(*Section* 149.)

FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, *A. B.*, of , being numbered on the voters' list, for polling subdivision No. , in the City (*or as the case may be*) of and County of , being a legally qualified elector for the said City (*or as the case may be*) of , do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a voting paper, *as the case may be*).

(*A. B.* His X mark.)

The day of , A. D. 18 .

R. S. O. c. 184, *Sched.* E.

SCHEDULE F.

(*Section* 149.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, ETC.

I, *C. D.*, the undersigned, being the Deputy Returning Officer for polling subdivision No. , for the City (*or as the case may be*) of , do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

(*Signed*) *C. D.*,
Deputy Returning Officer for Polling Sub-Division No. , in the City (*or as the case may be*) of

Dated this day of , A.D. 18 .

R. S. O. c. 184, *Sched.* F.

SCHEDULE

SCHEDULE G.

(*Sections* 155, 315 *and* 316.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. , of the City (*or as the case may be*) of , in the County of , do solemnly swear (*or if he is a person permitted by law to affirm,* do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. of the said City (*or as the case may be*) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(*Signed*) *C. D.*,
Deputy Returning Officer.

Sworn (*or* affirmed) before me at , this day of A. D. 18 .

(*Signed*) *X. Y.*,
Justice of the Peace.

Or A. B.,
Clerk of the Municipality of .

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

R. S. O. c. 184, *Sched.* G

SCHEDULE H.

(*Section* 170.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same ; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of A.D. 18 .

C. D.,
Justice of the Peace (*or* Clerk of the Municipality of).

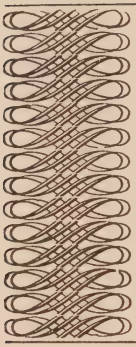
R. S. O. c. 184, *Sched.* H.

SCHEDULE

SCHEDULE J.

(*Section* 295.)

FORM OF BALLOT PAPER.



Voting on By-law to (*here insert object of the By-law*), submitted to the Council of the of

..... 18 .

FOR

The By-law.

AGAINST

The By-law.

R. S. O. c. 184, *Sched.* J.

SCHEDULE K.

(*Sections* 298 *and* 300.)

I, the undersigned, *A. B.*, solemnly declare that I am a ratepayer of the Township (*or as the case may be*) of (*The Municipality the Council of which proposed the By-law*), and that I am desirous of promoting (*or* opposing, *as the case may be*) the passing of the By-law to (*here insert object of the By-law*), submitted to the Council of said Township (*or as the case may be*).

(*Signature*) *A. B.*

Made and declared before me this day of , A. D. 18 .

C. D.,
Head of Municipality.

R. S. O. c. 184, *Sched.* K.

SCHEDULE L.

(*Section* 307).

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus X) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case*

may

may be) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer, (*or* Returning Officer, *as the case may be*), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:



.....18

Voting on By-law to (*here insert object of the by-law*) submitted to the Council of the of .

FOR

The By-law. X

AGAINST

The By-law.

R. S. O. c. 184, *Sched.* L.

SCHEDULE M.

(*Section* 322.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (*or as the case may be*) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at , this day of , A.D. 18 .

C.D.,

Justice of the Peace (*or* Clerk of the Municipality of).

R. S. O. c. 184, *Sched.* M.

CHAPTER

CHAPTER 43.

The Municipal Amendment Act, 1892.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 184, s. 2, sub-s. 7, amended.

1.—(1) Sub-section 7 of section 2 of *The Municipal Act* is amended by substituting for the words "and all rights thereto and interests therein" the words, "and any interest or estate therein or right or easement affecting the same."

(2) This section shall not apply to any matter in respect to which an action is now pending but the same shall be concluded and adjudicated upon as though this Act had not been passed.

Rev. Stat. c. 184, s. 73, sub-s. 1, amended.

2. Sub-section 1 of section 73 of the said Act is amended by adding immediately after the words "the same" in the twelfth line thereof the following: "elsewhere than in the districts of Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay, Rainy River, and the provisional county of Haliburton"; and by adding immediately after the figures "$800" in article 4 of said sub-section 1, the following: "and in the said last-named districts and provisional county:

"5. In townships and incorporated villages, freehold to $200 or leasehold to $400.

"6. In towns, freehold to $400 or leasehold to $800."

Rev. Stat. c. 184, s. 73, sub-s. 2, amended.

3. Sub-section 2 of said section 73 is amended by inserting immediately after the word "property" in the fifth line thereof the words: "or by the expiration or surrender of the demised term."

Rev. Stat. c. 184, s. 79, sub-s. 5 amended.

4. Sub-section 5 of section 79 of the said Act is amended by adding thereto the following words:—

"Any leaseholder the term of whose lease is not less than "five years shall be deemed an owner within the meaning of "this section."

Rev. Stat. c. 184 s. 80 amended.

5. Section 80 of the said Act is amended by striking out all the words after the word "following" in the fourth line of said section, and substituting therefor the words following:

"In townships and incorporated villages.....	$100
"In towns where the population does not exceed 3,000..	200
"In towns with a population of over 3,000.....	300
"In cities.....	400

"The population shall be determined by reference to the lat-"est annual enumeration of the assessors."

6.

6. Section 99 of the said Act is amended by inserting at the commencement thereof the following words :— Rev. Stat. c. 184, s. 99, amended.

"In any case where the returning officer for any ward refuses or neglects to attend at the time and place required by the clerk to receive his instructions and nomination papers and"

7. Section 117 of the said Act is repealed and the following substituted therefor :— Rev. Stat. c. 184, s. 117, amended.

117. At the nomination meeting or on the following day any person proposed for one or more offices may resign or elect for which office he is to remain nominated ; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded ; the clerk or other returning officer or chairman shall, on the day of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices ; provided always, that the resignation after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall within the time hereinbefore mentioned, be delivered to the clerk of the municipality ; provided, also, that if by reason of such resignation only one candidate remains proposed for a particular office, the clerk or other returning officer shall declare such candidate duly elected for such office. Resignation of persons proposed for office at nomination meetings. Proviso.

8. The said Act is amended by inserting the following as section 105*a* :— Rev. Stat. c. 184, amended.

105*a*. The voter shall be entitled to select for himself for that purpose any one of the forms contained in sections 102 to 105 both inclusive, whatever may be the description either in the voter's list or assessment roll as to the qualification or character in respect of which he is entered upon the list or roll.

9. Section 239 of the said Act is amended by adding thereto the following sub-section : Rev. Stat. c. 184, amended.

(2) In case of the illness or absence of the mayor, or of the office of mayor being vacant, the person appointed by the council under this section as presiding officer shall also have authority to act as a police commissioner during the time he acts as such presiding officer in the place of the mayor. Person acting mayor to act as police commissioner.

10. Section 247 of the said Act is amended by adding thereto the following sub-section :— Rev. Stat. c. 184, s. 247, amended.

(2) A copy of any document in the possession of or under the control of the clerk of the municipality certified under his hand and under the corporate seal of the municipality may, after the original thereof has been produced from the proper custody, be filed in any court in lieu of such original and shall be received in evidence without proof of the seal of the corporation or of the signature or official character of the person appearing to have signed the same and without further proof thereof unless the court or judge otherwise directs. Documents certified by clerk to be receivable in evidence.

Rev. Stat. c. 184, s. 263, sub-s. 2, amended.

11. Sub-section 2 of section 263 of *The Municipal Act* as amended by section 11 of *The Municipal Amendment Act of 1889* is further amended by adding thereto the following article :—

Auditors to report upon security given by treasurer.

(*a*) They shall also make a report upon the condition and value of the securities given by the treasurer for the due performance of the duties of his office, and such report shall show what cash balance, if any, was due from the treasurer to the municipality at the date of the audit, and where such balance is deposited, and what security exists that the same will be available when required for the purposes of the municipality ; but this shall not relieve the council from the performance of any duty imposed thereon by section 249.

Rev. Stat c. 184, s. 263, amended

12. Section 263 of *The Municipal Act* is amended by adding thereto the following sub-sections :—

Auditors may require statement of treasurer's bank account.

(2*a*) The auditors may make a written requisition upon the treasurer for an order or request to or upon any bank or company with whom the public moneys are or have been deposited, or with whom such treasurer has kept an account, authorizing and requesting such bank or company, to exhibit the account and the details thereof to such auditors, and such treasurer shall within twenty-four hours after the delivery to him of such requisition comply therewith upon pain of forfeiture of office.

(2*b*) It shall be the duty of the treasurer of every municipal corporation to keep the moneys of the municipality separate as far as practicable from his own moneys, and in depositing any money of the municipality in any bank or company to deposit the same to a separate account kept in his name as treasurer or under some other designation that may show the account to be an account of the money of the municipality.

Rev. Stat. c. 184, s. 263 amended.

13. Sub-section 3 of section 263 of *The Municipal Act* added thereto by section 13 of *The Municipal Amendment Act, 1888*, is amended by inserting after the word "taxes" in the eighth line of the said sub-section the words following :

"A similar statement in detail shall be attached thereto respecting the last 15 days of the preceding year."

Rev. Stat. c. 184, s. 269, amended.

14. Section 269 of *The Municipal Act* is amended by adding thereto the following sub-section :

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further, and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period.

Rev. Stat. c. 184, s. 271 amended,

15. Section 271 of the said Act is amended by adding to the form of declaration therein the following words : "(where declaration is made by the clerk, treasurer, assessor,

collector,

collector, engineer, clerk of works or street overseer, the words following): 'save and except that arising out of my office or position as clerk (*or as the case may be*).'"

16. Section 278 of the said Act is amended by adding the following as sub-sections (1*a*) and (1*b*):— Rev. Stat. c. 184, s. 278, amended.

(1*a*) It shall also be the duty of the council to give a fair and reasonable remuneration to the clerk of the municipality for services and duties performed by him in carrying out the provisions of *The Ditches and Water Courses Act*, the same to be fixed by by-law of the council. Remuneration of clerks for services performed under Rev. Stat. c. 220.

(1*b*) The council shall also fix by by-law the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk other than services which it is his duty to perform under the provisions of *The Ditches and Water-Courses Act*. Rev. Stat. c. 220.

17. The following is added to *The Municipal Act* as section 309*a*:— Rev. Stat. c. 184, amended.

309*a*. "Where a municipality is divided into wards, such ratepayer shall be so entitled to vote in each ward in which he has the qualification to entitle him to vote on such by-laws."

18. Section 310 of the said Act is amended by adding after the word "municipality" in the second line of the second paragraph of the form of oath in such section the words: "(or ward, *as the case may be*)," and by adding after the word "by-laws" in the fourth paragraph of such oath the words: "in the ward for which this vote is taken." Rev. Stat. c. 184, s. 310, amended.

19. Section 311 of the said Act is amended by adding after the word "municipality" in the first line of the third paragraph of such oath the words: "(or ward, *as the case may be*)," and by adding after the word "by-law" in the fifth paragraph of such oath the words: "in the ward for which this vote is taken." Rev. Stat. c. 184, s. 311, amended.

20. Section 312 of the said Act is amended by adding after the word "municipality" in the first line of the third paragraph of such oath the words: "(or ward, *as the case may be*)," and by adding after the word "by-law" in the fifth paragraph of such oath the words: "in the ward for which this vote is taken." Rev. Stat. c. 184, s. 312, amended.

21. Sub-section 1 of section 320 of the said Act is amended by striking out the words "or for promoting any manufacture" in the second and third lines thereof, and by striking out all the words in the said sub-section from the word "or" in the fifth line to the word "municipality" in the eighth line of said sub-section, both inclusive. Rev. Stat. c. 184, s. 320, sub-s. 1, amended.

22.

Rev. Stat. c. 184, s. 332, repealed.

22. Section 332 of the said Act is repealed, and the following is substituted therefor:—

Quashing by-laws.

332—(1) Any resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, may by motion apply to the High Court to quash the by-law, order or resolution in whole or in part for illegality, and the court may upon such motion quash the by-law, order or resolution accordingly in whole or in part for illegality, and may according to the result of the application award costs for or against the corporation;

(2) The notice of such motion shall be served at least 7 days before the day on which the motion is to be made;

(3) The by-law, order or resolution may upon such motion be proved by the production of a copy of the by-law, order or resolution, certified under the hand of the clerk, and under the corporate seal, and shewn by affidavit to have been received from the clerk. Provided, however, that before any such motion is made or entertained the applicant shall enter into a recognizance before the judge of the county court of the county in which the municipality whose by-law is the subject of the notice is situate, himself in the sum of $50, and two sureties each in the sum of $50, conditioned to prosecute the motion with effect. The judge may allow the said recognizance upon the sureties making proper affidavits of justification, and thereupon the same shall be filed in the High Court with the other papers relating to the motion.

Rev. Stat. c. 184, s. 352, amended.

23. Section 352 of the said Act is amended by adding thereto the following sub section:—

(6) Nothing in this section contained shall be taken to make valid a by-law or the debentures issued thereunder where it appears on the face of such by-law that the provisions of subsections 2, 3, 4 and 5, of section 340, or of section 342 of this Act, have not been substantially complied with.

Rev. Stat. c. 184, amended

24. *The Municipal Act* is amended by inserting therein the following as section 419*a*:—

Magistrate not disqualified where penalty payable to municipality.

419*a*. A magistrate is not disqualified to act as a magistrate where in case of a conviction the fine or penalty or part thereof goes to a municipality in which the magistrate is a ratepayer.

Rev. Stat. c. 184, s. 436, amended.

25. Section 436 of the said Act is amended by inserting in the fifth line thereof after the word "vehicles" the words "regularly used for hire within the said city, whether such owners are resident or non-resident therein," in lieu of the words "used for hire."

Rev. Stat. c. 184, s. 466, amended.

26. Section 466 of the said Act is amended by inserting after the word "light" in the eighth line thereof the word "stationery."

27.

27. Section 469 of the said Act is amended by inserting after the word "light" in the eighth line thereof the word "stationery." Rev. Stat. c. 184, s. 469, amended.

28. Sub-section 10 of section 479 of the said Act is repealed Rev. Stat., c. 184, s. 479, sub-s. 10 repealed.

29. Section 16 of *The Municipal Amendment Act, 1888* is repealed. 51 V. c. 28, s. 16 repealed.

30. *The Municipal Act* is amended by inserting therein after section 487 the following as section 487*a*: Rev. Stat. c. 184, amended.

487*a*. The appointment of arbitrators, under sections 391, 392, 393, and 394 of this Act shall not be deemed to be an admission of any liability on the part of the corporation; and all defences and objections shall be open to either party as if an action had been brought. Appointment of arbitrators not to be admission of liability.

31. Sub-section 9*a* of section 489 of the said Act is amended by adding the words "and towns" immediately after the word "cities" in the seventh line thereof. Rev. Stat. c. 184, s. 489, sub-s. 9*a*, amended.

32. Section 489 of the said Act is amended by inserting therein the following sub-section: Rev. Stat. c. 184, s. 489 amended.

24*a*. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support by fees, of magazines for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor. Storing and transportation of gunpowder.

33. Sub-section 25 of section 489 of the said Act is amended by substituting for the word "fines" in the seventh line, the words "fines to an amount not exceeding the amount of the said license fee." Rev. Stat. c. 184, s. 489, sub-s. 25, amended.

34. Sub-section 38 of section 489 of the said Act is amended by adding thereto the following:— Rev. Stat. c. 184, s. 42, sub-s. 38, amended.

"And in cities and towns any such by-law may provide that the chief constable of the municipality or the inspector in charge of any police station to which any person is brought on the charge of being drunk, without being disorderly, may, in any case where it is so far as known to said officer a first or second arrest for such offence, release such person without bringing him before a justice of the peace or police magistrate; and any person arrested for the said offence shall be a competent witness on his own behalf." Release of persons arrested for drunkenness without trial.

35. Section 489 of the said Act is amended by adding thereto the following sub-section: Rev. Stat. c. 184 s. 489 amended.

46*a*. For preventing or regulating the firing of guns or other firearms; and the firing or setting off of fireballs, squibs, Prevention of use of explosives, etc.

crackers,

crackers or fireworks, and for preventing charivaries and other like disturbances of the peace.

Rev. Stat. c. 184, s. 495, sub-s. 3(*a*) amended.

36. Clause(*a*) of sub-section 3 of section 495, of the said Act is amended by inserting the words "watches, plated-ware, silverware," after the words "dry goods" in the fourth line of the said clause.

Rev. Stat. c. 184, s. 495, sub-s. 5, amended.

37. Section 495 of the said Act is hereby amended by prefixing to sub-section 5 of the said section the following words: "For establishing high schools and appointing high school trustees, subject to *The High Schools Act*, and"

Rev. Stat. c. 184, s. 495, s-s. 6, amended.

38. Section 495 of the said Act is amended by adding to sub-section 6 thereof the following words:—

"Notwithstanding anything contained in this Act or in *The High Schools Act*, the county council of any union of counties may pass a by-law for the purpose of apportioning the amount to be levied for high school purposes, so that each county forming such union shall be liable only for the maintenance of the high schools situated within such county."

51 V. c. 28, ss. 39, 41, repealed.

39. Sections 39 and 41 of *The Municipal Amendment Act, 1888*, are repealed.

52 V. c. 36, s. 43, repealed.

40. Section 40 of *The Municipal Amendment Act, 1888*, as re-enacted by section 43 of *The Municipal Amendment Act, 1889*, is repealed.

54 V. c. 42, s. 42, repealed.

41. Section 42 of *The Municipal Amendment Act, 1891*, is repealed.

52 V. c. 36, s. 45, repealed.

42. Section 45 of *The Municipal Amendment Act, 1889*, is repealed.

Rev. Stat. c. 184, s. 496, sub-s. 3, repealed.

43. Sub-section 3 of section 496 of *The Municipal Act* is repealed.

Rev. Stat. c. 184, s. 496, sub-s. 9, repealed.

44. Sub-section 9 of section 496 of the said Act is repealed.

Rev. Stat. c. 184, s. 521, amended.

45. Section 521 of the said Act is amended by adding thereto the following sub-section:—

Bounties for destruction of foxes, etc.

(21) For giving and paying bounties not exceeding $5 per head for the destruction of foxes and other wild animals which kill or destroy poultry.

Rev. Stat. c. 184, s. 531, amended.

46. Section 531 of the said Act is amended by adding thereto the following sub-section:—

Contribution by municipalities jointly liable to maintain road when damage caused by non-repair.

(7) Where two or more municipalities are jointly liable for the keeping in repair of a public road, street, bridge or highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair and if an action shall be brought by any such person the same shall be brought against

all

all of such municipalities and any of the defendants in any such action may require that the proportions in which such damages and the costs of the action shall be borne between them shall be determined therein and in settling such proportions either in the action or otherwise, regard shall be had to the extent to which each municipality was responsible, either primarily, or otherwise, for the act or omission for which the damages shall become payable or be recovered, and the damages and costs shall be apportioned between them accordingly.

47. Sub-section 6 of section 30 of *The Municipal Amendment Act, 1890*, is amended by striking out the word "such" in the seventh line thereof. 53 V. c. 50, s. 30, sub-s. 6, amended.

48. Sub-section 7 of said section 30 is amended by adding thereto the following: "The arbitrators may, by said award, "fix the time or times when any moneys, by the award made "payable, shall be paid." 53 V. c. 50, s. 30, sub-s. 7 amended.

49. The said section 30 is amended by adding thereto the following as sub-section 9 thereof: 53 V. c. 50, s. 30, amended.

(9) This section shall apply only, Application of section.

(*a*) To bridges of the prescribed length, which have been or shall be constructed after the 7th day of April, 1890.

(*b*) To the maintenance of all bridges of the prescribed length after the said 7th day of April, 1890; and the word maintenance shall include reconstruction in whole or in part.

50. Section 538 of *The Municipal Act* is amended by striking out the word "said" in the seventh line and inserting in lieu thereof the word "word" and by adding at the end of the section the words "which bridge it is the duty of the county council to erect and maintain." Rev. Stat. c. 184, s. 538, amended.

51. Sub-section 2 of section 546 of said Act is amended by adding the following words: "where no such newspaper is published in the municipality or in a neighbouring municipality." Rev. Stat. c. 184, s. 546, sub-s. 2, amended.

52. Sub-section 2 (except article (*a*)) of section 569 of the said Act is repealed and the following substituted therefor: Rev. Stat. c. 184, s. 569, sub-s. 2, repealed.

(2) For borrowing on the credit of the municipality the funds necessary for the work or the proportion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities and for issuing the debentures of the municipality to the requisite amount, including the costs of reference, if any, in sums of not less than $100 each and payable within twenty years from date, with interest at a rate of not less than four per centum per annum.

53.

Rev. Stat. c. 184, s. 569, amended.

Oath to be taken by engineer or surveyor.

53. Section 569 of *The Municipal Act* is amended by adding thereto the following sub-section :—

(7*a*.) Any engineer or surveyor employed or appointed by any council to perform the work provided for by section 569, or any work under any of the drainage clauses of this Act, involving the assessment of real property for the purposes of drainage, shall before entering upon his duties take and subscribe the following oath (or affirmation) before the clerk of the municipality, a justice of the peace or a commissioner for taking affidavits, and shall leave the same with the clerk of the municipality :—

In the matter of the proposed drainage (*or as the case may be*) in the township (*or as the case may be*).

I of the of in the county of (*engineer or surveyor*) make oath and say (*or* solemnly declare and affirm) that I will to the best of my skill, knowledge, judgment and ability honestly and faithfully and without fear, favour or prejudice against any owner or owners, perform the work assigned to me in connection with the above work and make a true report thereon.

Sworn (*or* solemnly declared and affirmed) before me at the of in the county of this day of A.D., 189 .

Rev. Stat. c. 184 s. 569 sub-s. 15. amended.

54. Sub-section 15 of section 569 of the said Act is amended by inserting the words "personally or" after the word "affected" in the sixth line of said sub-section.

Rev. Stat. c. 184, s. 571 sub-sec. 1 amended.

55. Sub-section 1 of section 571 of the said Act is amended by inserting the words "or neighbouring" after the word "adjoining" in the fifth line thereof.

Rev. Stat. c. 184, s. 571, amended.

56. Section 571 of the said Act is amended by adding thereto the following sub-section :—

(3.) Such service shall be made or registered letter sent, and a copy of the notice of the appeal also served on the clerk of the municipality, at least twenty days prior to the sitting of the Court of Revision.

Rev. Stat. c. 184, s. 575, amended.

57. Section 575 of the said Act is amended by inserting after the word "municipality" in the fourth line the words: "or upon the boundary between two or more municipalities."

Rev. Stat. c. 184, s. 576, repealed.

58. Section 576 of the said Act is repealed and the following substituted therefor :—

Local improvements benefiting more than one municipality.

576. Where the works in the opinion of the engineer or surveyor aforesaid benefit lands in an adjoining municipality without extending into it, or greatly improve any road lying within any municipality or between two or more municipali-

ties,

ties, then the engineer or surveyor aforesaid shall charge the lands to be so benefited and the corporation, person or company whose road or roads are improved with such proportion of the costs of the works as he may deem just; and the amount so charged for roads or ascertained by reference shall be paid out of the general fund of such municipality or company.

Rev. Stat. c. 184, s. 580, amended

59. Section 580 of the said Act is amended by inserting after the word "raise" in the fourth line thereof the words "and pay over to the treasurer of the initiating municipality."

Rev. Stat. c. 184, s. 585, amended.

60. Sub-section 1 of section 585 of the said Act is amended by adding the following at the end thereof:—

"And the engineer or surveyor, Court of Revision, county judge or referee (as the case may be) shall for such alterations, improvements or extension have all the powers to assess and charge lands and roads conferred by said sections and section 590."

Rev. Stat. c. 184, s. 590, repealed.

61. Section 590 of the said Act is repealed and the following substituted therefor:—

Assessment when drain used by another municipality.

590. If a drain already constructed, hereafter constructed or proposed to be constructed by a municipality, is used as an outlet or will provide when constructed an outlet for the water of the lands of another municipality, or of a company, or an individual, or if from the lands of any municipality, company or individual, water is by any means caused to flow upon and injure the lands of another municipality, company or individual, then the lands that use or will use such drain when constructed as an outlet either immediately, or by means of another drain from which water is caused to flow upon and injure lands, may be assessed in such proportion and amount as may be ascertained by the engineer or surveyor, court of revision, county judge or referee under the formalities, except the petition, provided in the foregoing sections, for the construction and maintenance of the drain so used or to be used as an outlet as aforesaid, or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the water so caused to flow upon and injure the same.

Rev. Stat. c. 184, s. 596, amended.

62. Section 596 of the said Act is amended by striking out the word "along" in the first line and substituting therefor the word "on," and by striking out the words "either side of" in the fifth line.

Rev. Stat. c. 184, s. 610, amended.

63. Section 610 of the said Act is amended by adding thereto as clause (*a*) the following:

(*a*) Nothing in section 598 and subsequent sections contained shall be construed to reduce or take away the powers of any

municipal

municipal council of a township, city, town or incorporated village to undertake and carry out drainage works under sections 569 to 597 (both inclusive) notwithstanding that such works affect more than one-municipality.

Pending litigation not affected by ss. 52, 57-63.

64. Sections 52 and 57 to 63 both inclusive shall not affect the costs of pending litigation.

53 V., c. 50, s. 38, amended.

Extension of waterworks system.

65. Sub-section 2 of section 612 of *The Municipal Act* as enacted by section 38 of *The Municipal Amendment Act, 1890*, is amended by inserting after the word "place" in the ninth line thereof the words "or in any case where a system of waterworks has been constructed by such municipality, then, for providing for the cost of the extension within the limits of such municipality of branch mains and pipes, and all other work necessary for connecting the properties of the property owners with the waterworks system of said municipality, in order to permit such property owners to receive the benefit of such waterworks; or, in any case where a system for lighting within a municipality has been constructed, or erected, by such municipality then for providing for the cost of the extension within the limits of such municipality of the poles, wires and pipes, and all other work necessary for lighting any street, square or other public place whereon the lands to be benefited thereby front or abut."

53 V. c. 50 s. 30, amended.

66. Section 613 of *The Municipal Act* as enacted by section 38 of *The Municipal Amendment Act, 1890*, is amended by inserting in the first sub-section after the words "fronting or abutting upon" in the third line thereof, the words "or extending to within six feet of."

53 V., c. 50, s. 38, amended.

67. Section 613 of *The Municipal Act* as enacted by section 38 of *The Municipal Amendment Act, 1890*, is further amended by adding thereto the following sub-section:

Assessment of costs of certain local improvements in townships.

(3) In the case of a township, any portion of which is situate within five miles of a city containing 50,000 inhabitants or more, if the council shall determine that any real property other than that fronting or abutting on the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement made or to be made is specially benefited and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the land so benefited, the council may, upon the petition of three-fourths in number of the owners representing three-fourths in value of the lands to be benefited, assess and levy the proportion of the costs chargeable against the lands benefited, and whether or not fronting or abutting upon such street, lane, alley, public way or place by frontage rate in like manner as the same would be assessed and levied in the case of lands

fronting

fronting or abutting upon the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement is made or to be made; provided, however, that instead of assessing and levying by a frontage rate, the council may by by-law provide that the cost of the local improvement therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom, instead of by a frontage rate as hereinbefore provided.

Rev. Stat. c. 184, s. 620, sub-s. 2 amended.

68. Sub-section 2 of section 620 of *The Municipal Act* is amended by striking out the word "hereinafter" in the ninth line thereof.

Rev. Stat. c. 184 amended.

69. *The Municipal Act* is amended by adding thereto the following as section 637*a*.

Granting aid by way of bonus to iron smelting works.

637*a*. The council of every municipality within the districts of Algoma, Thunder Bay and Rainy River whether established under the provisions of chapter 185 of the Revised Statutes of Ontario or of any special Act may pass by-laws:

For granting aid by way of bonus for the promotion of iron smelting works within its limits or within the limits of any municipality contributing aid thereto by granting such sum or sums of money to any person or body corporate in respect of such industry as the said municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient;

Assent of electors necessary.

(*a*) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts and shall obtain the assent of one-third of all ratepayers entitled to vote, as well as a majority of the ratepayers voting on such by-law.

Persons interested in company not to vote on by law aiding same.

(*b*) No property owner or lessee interested in, or holding shares of stock in, any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid.

Security may be taken.

(*c*) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given.

Powers of trustees of police villages.

70. The trustees of every police village may pass by-laws for letting contracts, or employing labour and purchasing material, for building sidewalks, culverts, putting in drains and making, repairing and improving streets, and doing all things necessary for such purposes within the limits of the police village.

71.

Rates levied in police villages.

71. The rate levied for police village purposes upon the property liable to assessment in such village by the township or townships in which the police village is situated, shall be in lieu of such proportion of the township rate now levied for the same or like purposes within such village as the trustees and the council may by agreement provide.

Municipal elections in certain cases not to be void by reason of being held after date fixed by law.

72. When changes have been made in the boundaries of a city, or a new division of a city into wards under section 22 of *The Municipal Act* has been made, and it has been deemed expedient by the council or the clerk thereof to postpone the annual election for mayor or aldermen or the public school board for the city, until after the completion of new voters' lists prepared upon the basis of the new division into wards, and a new division thereof into polling sub-divisions, and a new election has been held after the completion of such voters' lists for such mayor, aldermen or trustees, such election shall not be held to have been void, invalid or illegal for the reason that the same did not take place at the time provided by law for holding the annual municipal or school board elections This section shall apply to past elections only.

This Act to be read as part of Rev. Stat. c. 184.

73. This Act shall be read with and as part of *The Municipal Act*

CHAPTER 44.

An Act respecting Bonuses by Municipal Corporations in certain cases.

[*Assented to 14th April, 1892,*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Exception from repeal of bonus clauses

1. The provisions of the Acts passed during the present session repealing certain of the bonus provisions of *The Municipal Act* empowering municipalities to aid manufacturers and manufacturing establishments, shall not extend to any case where at the time of the passing of this Act the by-law for granting the bonus had passed its first reading since the first day of April, 1892, or where a by-law has heretofore passed its second reading and been advertised; but such by-law and the proceedings thereon shall be governed by the law as it existed immediately before the time of the repeal of the said provisions taking effect.

CHAPTER

CHAPTER 45.

An Act to amend the law respecting Municipal Institutions in the Outlying Districts.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Councils in certain districts may lay out roads less than 66 feet wide.

1. The council of every township in any of the districts of Algoma, Muskoka, Parry Sound, Nipissing, Manitoulin, Thunder Bay and Rainy River, may lay out any roads less than sixty-six feet in width within their jurisdiction, subject to any regulations of the Crown Lands Department.

By-laws closing road allowance.

2. Any by-law passed by the council of a township in any of the said districts in exercise of the powers conferred on townships under sub-section 2 of section 567 of *The Municipal Act*, shall be valid without confirmation thereof by a county council, if approved by the Judge of the District Court, or where there is no Judge by the Stipendiary Magistrate.

Commencement of Act.

3. This Act shall come into force on the first day of July, 1892.

CHAPTER 46.

An Act to amend The Debentures Registration Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

54 V., c. 43, s. 1 amended.

1. Section 1 of the Act passed in the 54th year of Her Majesty's reign, chaptered 43, is amended by substituting the words "section two" for the words "section 11" in the first line thereof.

CHAPTER

CHAPTER 47.

An Act to amend The Free Libraries Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 189, s. 4, amended.

1. Section 4 of *The Free Libraries Act* is amended by adding thereto the following words :—

"But no free library board shall in any year purchase any lands or erect any buildings or make any additions or alterations thereto exceeding in cost $2,000 without the authority of the municipal council."

Rev. Stat. c. 189, s. 6, repealed.

2. Section 6 of the said Act is repealed and the following substituted therefor :—

Submission of estimates by board to council.

6. The board of management shall submit to the council not later than the first day of March in each year a detailed estimate of the several sums required to pay during the ensuing financial year :—

1. Interest on any money borrowed as hereinafter mentioned ;
2. The amount of the sinking fund ;
3. The expense in detail of maintaining and managing the libraries or news-rooms under their control and of making any purchases required therefor.

Rev. Stat. c. 189, s. 8, amended.

3.—(1) Section 8 of the said Act is amended by substituting the words "one-quarter" for the words "one-half" in the 7th line of the said section, but this amendment shall only apply to cities having a population of 100,000 or over.

(2) Sub-section 5 of section 8 of the said Act is amended by striking out the words "the said limit of" in the fifth line of said sub-section.

Submission of by-laws for incurring debts for free libraries to electors.

4. In case any free library board requires the council to raise, as provided in the said Act, any money involving an assessment, exceeding the amount specified in section 3 hereof for the purpose of purchasing or erecting buildings, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and if the board so requires the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on money by-laws, in the manner provided by *The Municipal Act* in respect of by-laws for the creation of debts, and in the event of the assent of the electors being obtained it shall be the duty of the council to raise the said amount in the manner provided by the said Act.

Rev. Stat. c. 184.

Museums.

5. No free library board shall establish or maintain a museum except by and with the consent of the council of the municipality, but this section shall only apply to cities having a population of 100,000 or over.

CHAPTER

CHAPTER 48.

An Act to consolidate the Acts respecting the Assessment of Property.

[*Assented to 14th April, 1892.*]

PRELIMINARY PROVISIONS, ss. 1-5.
PROPERTY LIABLE TO TAXATION, ss. 6-11.
Exemptions, s. 7.
ASSESSORS :
Appointment, ss. 12-13.
Duties of Assessors, ss. 14, 14a, 14b, 14c.
Mode of assessing real property, ss. 15-30.
Mode of assessing personal property, ss. 31-41.
General provisions, ss. 42-51.
Special provisions, ss. 52-54.
APPEALS :
To Court of Revision, ss. 55-67.
To County Judge, ss. 68-76.
By non-residents, s. 77.
CERTIFIED COPY OF ASSESSMENT ROLL TO BE EVIDENCE, s. 66.
EQUALIZATION OF ASSESSMENTS, ss. 78-86.
STATUTE LABOUR, ss. 87-118.
COLLECTION OF RATES :
Appointment of collectors, ss. 12, 13.
Collectors' roll, ss. 119-121.
Collectors' duties, ss. 122-137.
LIST OF LANDS GRANTED, ETC., BY THE CROWN, ss. 138, 139.
ARREARS OF TAXES :
Duties of treasurers, clerks and assessors, ss. 140-159.
Sale of lands for taxes, ss. 160-172.
Certificate of sale and deed, ss. 173-188.
Deed binding unless questioned within two years, s. 189.
Deed to be valid if sale valid though statute authorizing it be repealed, s. 190.
Right of entry adverse to purchaser in possession not to be conveyed, s 191.
Right to improvements when sale void, s. 192 (1).
Option of purchaser to retain land on paying its value s. 192 (2)
Payment into Court, ss. 193-196.
Costs when value of land and improvements alone in question, s. 197.
Lien of tax purchaser for purchase money when title invalid, s. 198.
Contracts between tax purchaser and original owner continued, s. 199.
Application of sections 190-200 limited, ss. 200, 201.
Interpretation, s. 202.
DEFICIENCY FROM NON-PAYMENT TO BE MADE UP BY MUNICIPALITY IN CERTAIN CASES, s. 203.
ARREARS IN CITIES AND TOWNS, ss. 204, 205.
ARREARS IN NEW MUNICIPALITIES, ss. 206-209.
NON-RESIDENT LAND FUND, ss. 210-221.
ARREARS TO FORM ONE CHARGE ON LAND, s. 222.
RESPONSIBILITY OF OFFICERS, ss. 223-250.
MISCELLANEOUS, ss. 251-253.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PRELIMINARY PROVISIONS.

1. This Act may be cited as "*The Consolidated Assessment Act 1892.*" Short title.

2.

Interpretation clause.

2. Where the words following occur in this Act or the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Gazette." 1. "Gazette" shall mean the *Ontario Gazette;*

"Township." 2. "Township" shall include a union of townships, while such union continues;

"County Council." 3. "County Council" shall include provisional county council;

"Town." "Village." 4. "Town" and "Village" shall mean respectively incorporated town and village;

"Ward." 5. "Ward," unless so expressed, shall not apply to a township ward;

"Municipality." 6. "Municipality" shall not include a county;

"Local municipality." 7. "Local municipality" shall mean and include a city, town, incorporated village or township, as the case may be;

"Property." 8. "Property" shall include both real and personal property as hereinafter defined;

"Land." "Real Property." "Real Estate." 9. "Land," "Real Property," and "Real Estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and land covered with water, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty;

"Personal Estate." "Personal Property." 10. "Personal Estate" and "Personal Property" shall include all goods, chattels, interest on mortgages, dividends from bank stock, dividends on shares or stocks of other incorporated companies, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. R. S. O. 1887, c. 193, s. 2 (1-10).

[*Sub-sections 11 to 15 repealed. See 51 V. c. 29, s. 11 (2)*].

"Last revised assessment roll." 16. "Last revised assessment roll" shall mean the last revised assessment roll of a local municipality. R. S. O. 1887, c. 193, s. 2 (16).

"List of voters." 52 V. c. 3. 17. "List of voters" shall mean the alphabetical list referred to in section 3 of *The Ontario Voters' Lists Act, 1889*. R. S. O. c. 193, s. 2 (17); 52 V. c. 40, s. 8 (1).

Unoccupied land to be denominated "lands of non-residents," unless owner is domiciled in municipality or requires his name to be entered on roll.

3. Unoccupied land shall be denominated "Lands of non-residents," unless the owner thereof has a legal domicile or place of business in the local municipality where the same is situate, or gives notice in writing setting forth his full name, place of residence and post-office address, to the clerk of the municipality, on or before the 20th day of April in each year, that he owns such land, describing it, and requires his name to

be

be entered on the assessment roll therefor, which notice may be in the form or to the effect of Schedule A to this Act; and the clerk of the municipality shall, on or before the 25th day of April in each year, make up and deliver to the assessor or assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them. It shall not be necessary to renew such notice from year to year, but the notice shall stand until revoked, or until the ownership of the property shall be changed. R S. O. 1887, c. 193, s. 3.

Owner may apply to have his name entered on roll whether notice given or not.

4.—(1) When the name of any owner of such unoccupied land shall not have been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled to apply to the Court of Revision to have the same so entered, whether the notice in the preceding section mentioned has or has not been given, and the Court may order the name to be entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided;

(2) Or such owner or his agent shall be entitled, within the time allowed by law for other applications in that behalf, to apply to the Judge to have the name of such owner entered upon the voters' lists, whether such notice has or has not been given; and the Judge may direct that the same be so entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided. R. S. O. 1887, c. 193, s. 4.

Real estate of Railway Companies.

5. The real estate of all railway companies shall be considered as lands of residents, although the company has not an office in the municipality; except in cases where a company ceases to exercise its corporate powers, through insolvency or other cause. R. S. O. 1887, c. 193, s. 5.

PROPERTY LIABLE TO TAXATION.

All taxes to be levied equally upon the ratable property, when no other provision made.

6. All municipal, local or direct taxes or rates, shall, where no other express provision has been made in this respect, be levied equally upon the whole ratable property, real and personal, of the municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions. R. S. O. 1887, c. 193, s. 6.

Taxable property and exemptions.

7 All property in this Province shall be liable to taxation, subject to the following exemptions, that is to say:

Exemptions.

All property belonging to Her Majesty.

1. All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and

Indian lands unoccupied, or occupied officially.

also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for, or for the use of any tribe or body of Indians, and either unoccupied, or occupied by some person in an official capacity.

But if occupied not officially.

2. Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable. R. S. O. 1887, c. 193, s. 7 (1-2).

Assessment of lands in connection with churches for local improvements.

3. Every place of worship, and land used in connection therewith, churchyard or burying ground. Provided however that land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land, for local improvements, hereafter made or to be made. R. S. O. 1887, c. 193, s. 7 (3); 53 V. c. 55, s. 1; *See* R. S. O. c. 175, s. 13.

Public educational institutions.

4. The buildings and grounds of and attached to every university, college, high school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied.

Proviso.

Provided however that the buildings and grounds of and attached to a university, college, or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This proviso does not apply to schools which are maintained in whole or in part by a legislative grant or school tax. 53 V. c. 55, s. 3.

Town and City halls, etc

5. Every public school house, town or city or township hall, court house, gaol, house of correction, lock-up house and public hospital, with the land attached thereto, and the personal property belonging to each of them.

Public roads, etc.

6. Every public road and way or public square.

Municipal property.

7. The property belonging to any county or local municipality, whether occupied for the purposes thereof or unoccupied but not when occupied by any person as tenant or lessee, or otherwise than as a servant or officer of the corporation for the purposes thereof.

Provincial Penitentiary.

8. The Provincial Penitentiary, the Central Prison and the Provincial Reformatory, and the land attached thereto.

Poor houses, etc.

9. Every industrial farm, poor house, alms house, orphan asylum, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

Scientific institutions, etc.

10. The property of every public library, mechanics' institute and other public, literary or scientific institution, and of every agricultural or horticultural society, if actually occupied by such society. And all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the council of the corporation in which such lands and buildings are situated consents to such exemption. R. S. O. 1887, c. 193, s. 7 (1-10); 51 V. c. 29, s. 2.

Personal property of Governors.

11. The personal property and official income of the Governor-General of the Dominion of Canada, and the official income of the Lieutenant-Governor of this Province.

Land occupied by military or naval officers and their pay salaries, pensions, etc.

Property of officers on full pay.

12. The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's regular Army or Navy in actual service, while occupied by them, and not exceeding $2,000 in value, and the full or half-pay of any one in either of such services; and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, and the personal property of any person in such Naval or Military services, on full pay, or otherwise in actual service.

Pensions under $200.

13. All pensions of $200 a year and under payable out of the public moneys of the Dominion of Canada, or of this Province.

Grain, etc., *in transitu*.

14. All grain, cereals, flour, live or dead stock, the produce of the farm or field, in store or warehouse, and at any time owned or held by or in the possession of any person in any municipality, such person not being the producer thereof, and being so held, owned or possessed solely for the *bona fide* purpose of being conveyed by water or railway for shipment or sale at some other place. R. S. O. 1887, c. 193, s. 7 (11-14).

Horses, cattle sheep and swine.

14*a*. All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing. 51 V. c. 29, s. 3.

Incomes of farmers, etc.

15. The income of a farmer derived from his farm, and the income of merchants, mechanics, or other persons derived from capital liable to assessment.

Personal property secured by mortgage, or Provincial or Municipal debentures.

16. So much of the personal property of any person as is invested in mortgage upon land, or is due to him on account of the sale of land, the fee or freehold of which is vested in him, or is invested in the debentures of the Dominion of Canada or of this Province, or of any municipal corporation thereof, and such debentures.

Dividends only of Bank Stock to be assessed.

17. The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province; but any interest, dividends or income derived from any

such

such shares held by any person resident in this Province shall be deemed to come within and to be liable to assessment under section 31 of this Act.

Stock in companies.

18. The stock held by any person in any incorporated company, whose personal estate is liable to assessment in this Province.

Railroad and building Society stock.

19. The stock held by any person in any railroad company, the shares in building societies, and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate; but the interest and dividends derived from shares in such building societies, or from investments in such companies as aforesaid, shall be liable to be assessed.

Personal property owned out of the Province.

20. All personal property which is owned out of this Province, except as hereinafter provided.

Personal property equal to debts due.

21. So much of the personal property of any person as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or are unpaid on account of the purchase money therefor.

Personalty under $100.

22. The net personal property of any person; provided the same is under $100 in value.

Personal earnings not exceeding $700.

23. The annual income of any person derived from his personal earnings to the amount of $700.

Income up to $400.

24. The annual income of any person to the amount of $400 derived from any source other than personal earnings. R. S. O. 1887, c. 193, s. 7 (15-24).

Proviso.

24*a*. Provided nevertheless that no person shall be exempted for or in respect of income for a sum greater than $700, whether derived from personal earnings or from other sources of income, or from the two combined.

(*Sub-sec. 25 repealed, see 53 V. c. 55, s. 2.*)

Rental of real estate, etc.

26. Rental or other income derived from real estate, except interest on mortgages.

Household effects, books, etc.

27. Household effects of whatever kind, books and wearing apparel.

Vessels.

28. Vessel property of the following description, namely: steamboats, sailing vessels, tow barges and tugs; but the income earned by or derived through, or from any such property shall be liable to be assessed. R. S. O. 1887, c. 193, s. 7 (26-28).

Assessment of farm lands in towns and villages, etc.

7*a*—(1) In any town or incorporated village in which there are lands held and used as farm lands only, and in blocks of not less than five acres by any one person, such lands shall be assessed as farm lands.

(2)

(2) When such lands are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or incorporated village shall annually at least two months before striking the rate of taxation for the year, pass a by-law declaring what part or parts of the said lands so held and used as farm lands only, shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for water works, the making of sidewalks, the construction of sewers or the lighting and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements. Provided nevertheless that nothing in this sub-section contained shall exempt or relieve any lands therein mentioned from the general rate for the payment of any debenture debt contracted before the passing of this Act or that may be renewed in whole or in part.

Exemption of farm lands in towns and villages from assessment for certain improvements.

Proviso.

(3) Any person claiming such exemption in whole or in part shall notify the council of the municipality thereof within one month after the time fixed by law for the return of the assessment roll, and shall by some intelligible description indicate the land and quantity as nearly as may be in respect of which exemption is claimed.

Person claiming exemption to notify council.

(4) Any person complaining that the said by-law does not exempt or sufficiently exempt him or his said farm lands from taxation as aforesaid, may within 14 days after the passing thereof notify the clerk of the municipality of the intention to appeal against the provisions of such by-law or any of them to the judge of the county court who shall have full power to alter or vary any or all of the provisions of the said by-law, and determine the matter of complaint in accordance with the spirit and intent of the provisions of this section.

Appeals from by-laws to county judge.

(5) The provisions of sub-sections 3, 4, 5 and 6 of section 68 and sections 69 to 74 inclusive, relating to appeals from a court of revision to the county judge and the amendment of the assessment roll thereon, shall so far as applicable, regulate and govern the procedure to be followed upon appeals to the county judge under this section and the amendment of the by-law thereon.

Procedure upon appeals to county judge.

(6) Nothing in the last two preceding sub-sections contained, shall be deemed to prevent or affect the right of appeal to the county judge from the decision of a court of revision upon any appeal against an assessment.

Appeals from court of revision not affected.

8. Where any person derives from some trade, office, calling or profession, an income which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, but if he thinks fit, he may require his name to be entered in the assessment roll for such income, for

The case of income exempted from assessment.

the

the purpose of being entitled to vote at elections for municipal councils, and such income shall in such case be liable to taxation like other assessable income or property, and it shall be the duty of the assessor to enter the name of such person in the assessment roll. R.S.O. 1887, c. 193, s. 8. 51 V. c. 4, s. 3.

Realty within, but owned out of Ontario to be assessable.

9. All real property situate within, but owned out of the Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of this Act. R. S. O. 1887, c. 193, s. 9.

Personalty in control of agent for non-resident owner assessable.

10. All personal property within the Province in the possession or control of any agent or trustee for, or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner, and subject to the like exemption as in the case of the other personal property of the like nature under this Act. R. S. O. 1887, c. 193, s. 10.

Exemption of certain officers of Superior Courts abolished as to future appointments.

11. The exemption to which certain officers connected with the Superior Courts were, at the time of their appointment, and on the 5th day of March, 1880, entitled by Statute, in respect of their salaries, is abolished as respects all persons appointed by the Lieutenant-Governor to such offices after the said 5th day of March, 1880, or hereafter, and continues in respect of such officers only as were appointed before that date. R. S. O. 1887, c. 193, s. 11.

APPOINTMENT OF ASSESSORS AND COLLECTORS.

[*See also* 55 V. c. 42, ss. 254-257.]

Assessors and collectors to be appointed.

12.—(1) The council of every municipality, except counties shall appoint such number of assessors and collectors for the municipality as they may think necessary, but no assessor or collector shall hold the office of clerk or treasurer. R. S. O. 1887, c. 193. s. 12.

(2) No person attainted or convicted of any treason or felony, or convicted of any infamous crime, unless he has obtained a free pardon or served the term of imprisonment or paid the penalty imposed under the sentence, and no person who is under outlawry shall be qualified to act as assessor or collector

Municipality may be divided into assessment districts.

13. Such councils may assign to such assessors and collectors the assessment district or districts within which they shall act, and may prescribe regulations for governing them in the performance of their duties. R. S. O. 1887, c. 193, s. 13.

DUTIES OF ASSESSORS.

Assessment rolls, their form, contents, etc.

14.—(1) The assessor or assessors shall prepare an assessment roll, in which, after diligent inquiry, he or they shall set down according to the best information to be had—

1. The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the municipality who have taxable property therein, or in the district for which the assessor has been appointed; Names of residents.

2. And of all non-resident owners who have given the notice in writing mentioned in section 3, and required their names to be entered in the roll; Of non-residents.

3. The description and extent or amount of property assessable against each. Property assessable.

(2) In the case of every township, town or incorporated village, it shall also be the duty of the assessor or assessors, when making the annual assessment, to inquire of each resident taxable party whether there has been a birth or death in the family within the previous twelve months, and if either, whether the same has been registered or not; if it has not been registered the assessor shall put the figure 1 opposite the name, in the column headed "Birth" or "Death," as the case may be; if registered the letter "R" in the column (28) set apart for "Registered." Inquiry as to births and deaths.

(3) The assessor shall set down the particulars in separate columns as follows: Further particulars.

Column 1.—The successive number on the roll.

Column 2.—Name (surname first) and post office address of taxable party.

Column 3.—Occupation, and in the case of females, a statement whether the party is a spinster, married woman, or widow, by inserting opposite the name of the party the letter "S," "M" or "W," as the case may be. R. S. O. 1887, c. 193, s. 14 (1-3), (col. 1-3).

Column 4.—Statement whether the party is a freeholder, or tenant, by inserting opposite the name of the party the letter "F." or "T." as the case may be; and where the party is entitled to be entered on the roll as qualified to vote under *The Manhood Suffrage Act*, there shall also be inserted opposite his name in said column the letters "M. F." meaning thereby "Manhood Franchise," and all such names shall be numbered, and where the party is within the meaning of *The Municipal Act*, a "farmer's son," there shall also be similarly inserted the letters "F. S." 51 V. c. 29, s. 11 (3); 51 V. c. 4, s. 11 (1). 51 V. c. 4

Column 5.—The age of the assessed party.

Column 6.—Name and address of the owner, where the party named in column 2 is not the owner.

Column 7.—School section, and whether public or separate school supporter.

Column 8.—Number of concession, name of street, or other designation of the local division in which the real property lies, or residence, in the case of manhood suffrage voters.

[*See Sec. 14b, sub-sec. 6.*]

Column

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres, or other measure shewing the extent of the property.

Column 11.—Number of acres cleared, (*or*, in cities, towns, or villages, whether vacant or built upon.)

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labour (in case of male persons from twenty-one to sixty years of age), and number of days' labour.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.

Column 24.—Number of hogs.

Column 25.—Number of horses.

Column 26.—Birth.
Column 27.—Death.
Column 28.—Registered.
} *These 3 columns apply to townships, towns and incorporated villages only.*

Column 29.—Acres of woodland.

Column 30.—Acres of swamp, marsh, or waste land.

Column 31.—Acres of orchard and garden.

Column 32.—Number of acres under fall wheat.

Column 33.—Date of delivery of notice under section 47. R. S. O. 1887, c. 193, s. 14 (Cols. 5-33); *see* Schedule B.

Column 34.—Each and every steam boiler in the municipality used for driving machinery or for any manufacturing purpose, with the name of owner and the purpose for which the same is used.

The clerk of the municipality shall, on the first day of June in each year, return to the Minister of Agriculture the number of such steam boilers as shown by such roll. 51 V. c. 29, s. 4; 53 V. c. 12, s. 3.

Evidence on which Assessor to enter persons as Separate School supporters.

Rev. Stat. c. 227.

(4) In any case where the trustees of any Roman Catholic separate school avail themselves of the provisions contained in section 48 of *The Separate Schools Act*, for the purpose (amongst others) of ascertaining through the assessors of the municipality the persons who are the supporters of

separate

separate schools in such municipality, the assessor shall accept the statement of, or made on behalf of any ratepayer by his authority and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. 1887, c. 193, s. 14, (4); 53 V. c. 71, s. 4.

Interpretation.

14*a*.—(1) In this section the words and expressions "Farm," "Son," "Sons," "Farmer's Son," "Father," "Election," "To Vote," shall respectively have the meaning given thereto by section 79 of *The Municipal Act*.

Rev. Stat. c. 184.

(2) Every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following:

Farmers' sons

(*a*) If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof.

(*b*) If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed in respect of the farm, as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother.

(*c*) Occassional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior to the return of the roll by the assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.

(*d*) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give a qualification so to vote.

(*e*)

(*e*) If the amount at which the farm is so rated and assessed is not sufficient, if equally divided between the father, if living, and one son, to give to each a qualification so to vote, then the father shall be the only person entitled to be assessed in respect of such farm.

(*f*) A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant, or occupant, and the initials "F" or "T." and the initials "M. F:" where the party assessed has the necessary qualifications shall be added in the proper column. 52 V. c. 40, s. 2.

Persons making affidavit under 51 V. c. 4 to be entered on roll.

14*b*.—(1) The assessor shall place on the assessment roll, as qualified to be a voter under *The Manhood Suffrage Act*, the name of every male person of the full age of twenty-one years not disqualified from voting at elections for the Legislative Assembly of Ontario, and a subject of Her Majesty by birth or naturalization, who delivers or causes to be delivered to the assessor, an affidavit signed by such person in one of the forms in schedule L appended hereto, or to the effect therein set forth, if the facts stated are such as entitle such person to be placed thereon, and the affidavit may be made before any assessor or justice of the peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit. 51 V. c. 4, s. 9; 52 V. c. 40, s. 3 (4); 52 V. c. 5, s. 1 (1).

Proviso.

Provided that such person had resided within the province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote.

Proviso.

And provided that such person was in good faith at the time fixed as aforesaid, for beginning to make said roll, and still is a resident of, and domiciled in the municipality in the roll of which he desires to be entered, and had resided in the said municipality continuously from the time fixed as aforesaid for beginning to make said roll. 51 V. c. 4, s. 3, (*part*).

Temporary absence not to disqualify.

(2) A person may be resident in the municipality within the meaning of this section, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student in an institution of learning in the Dominion of Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll as a qualified voter. 51 V. c. 4, s. 4.

(3)

(3) The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, and shall place such persons on the roll as qualified to be voters without the affidavit referred to in sub-section 1 of this section. 52 V. c. 40, s. 3 (5). Enquiries by assessors. 51 V. c. 4.

(4) No person shall be entitled to be marked or entered by the assessor in the assessment roll as a qualified voter under *The Manhood Suffrage Act*, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote under said Act. 52 V. c. 40, s. 3 (2). Students at college, etc. 51 V. c. 4.

(5) No person shall be entitled to be entered or marked by the assessor in the assessment roll as qualified to vote under *The Manhood Suffrage Act*, who at the time of marking or entering is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poorhouse or house of industry or as an inmate receiving charitable support or care in a charitable institution receiving aid from the province under any statute in that behalf. 52 V. c. 40, s. 3 (3). Disqualifications. 51 V. c. 4.

(6) Opposite the name of every person entitled to be entered on the assessment roll, under the provisions of this section, in addition to all other entries required to be made by this Act, the assessor shall, in the column 8 mentioned in sub-section 3 of section 14 enter:

(*a*) In the assessment roll of a city, town or village, the residence of such person by the number thereof (if any) and the street or locality whereon or wherein the same is situate;

(*b*) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such person resides,

and in all cases any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified. 52 V. c. 40, s. 3 (1), (*a*, *b*).

(7) The assessor shall in his affidavit at the foot of his assessment roll after he has completed the same include the following paragraphs: Affidavit by assessor.

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote, a right of voting.

"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have

I,

I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there."

52 V. c. 40, s. 3 (6).

Complaints respecting roll. 51 V. c. 4.

(8) Complaints of persons having been wrongfully entered on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, or of persons not having been entered thereon as qualified to be voters under said Act, who should have been so entered, may by any person entitled to be a voter under said Act, or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments, or the complaints may be made to the county judge under *The Voters' Lists Act*. 52 V. c. 40, s. 3 (7); 51 V. c. 4, s. 13 (1).

When voter may make application to judge.

(9) Any person who since the day upon which by statute or by by-law the assessment roll is returnable to the clerk and before the time for appealing against the voters' list or of giving notice of application to the Judge to have the names of persons entered upon the voters' list under *The Voters' Lists Act* shall have expired, has become possessed of the qualifications entitling him to vote, shall be entitled to give, or any person whose name is on the list or who has the qualification entitling him to have his name entered thereupon, may give the requisite notice or make application to the judge to have the name of such first-mentioned person entered upon the voters' list. 51 V. c. 4, s. 13 (2).

52 V. c. 3.

Assessors to make annual list of children of school age.

14*c*. The assessors of every municipality shall annually, when making their assessment, enter in a book, to be provided by the clerk of the municipality, in the form set forth in schedule M to this Act, the name, age and residence of every child between the age of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian, and return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer. 54 V. c. 56, s. 11.

Mode of Assessing Real Property.

Land to be assessed in the municipality or ward.

15. Land shall be assessed in the municipality in which the same lies, and, in the case of cities and towns, in the ward in which the property lies; and this shall include the land of incorporated companies, as well as other property; and

Personal property.

when any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner. R. S. O. 1887, c. 193, s. 15.

16.

Land occupied by owner to be assessed in his name.

16. Land occupied by the owner shall be assessed in his name, but when a married woman is assessed as owner, the name of the husband shall also be entered upon the assessment roll as an occupant. [*See* secs. 28-30. R.S.O. 1887, c. 193, s. 16.

When land not occupied by the owner, but owner is known.

17. Land not occupied by the owner, but of which the owner is known and, at the time of the assessment being made, resides or has a legal domicile or place of business in the municipality, or has given the notice mentioned in section 3, shall be assessed against the owner alone, if the land is unoccupied, or against the owner and occupant, if the occupant is any other person than the owner. R. S. O. 1887, c. 193, s. 17.

When owner not resident in municipality but resident in Province.

18. If the owner of the land is not resident within the municipality, but resident within this Province, then, if the land is occupied, it shall be assessed in the name of and against the occupant and owner; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident. R. S. O. 1887, c. 193, s. 18.

When owner not resident in Province.

19. In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land is occupied, it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof for the purpose of imposing and collecting taxes upon and from the same land; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner or the words "Owner Unknown," according to the assessor's knowledge or information. R. S. O. 1887, c. 193, s. 19.

Assessment of land purchased from the Crown.

19*a*. Land purchased from the Crown, and which has been mortgaged to the Crown to secure the repayment of the purchase money or some part thereof, or which is subject to any claim of the Crown for unpaid purchase money, shall be assessed, and shall be declared to have been liable to be assessed to the extent of the interest of the owner for the time being of the equity of the redemption therein, or of the purchaser as the case may be, and this section shall apply to lands purchased from the Crown whether as represented by the Government of the Dominion of Canada, or as represented by the Government of this Province, and nothing herein contained shall be construed to derogate from or in any wise affect the interest of the Crown in such lands; provided that not more than six years past arrears of taxes shall be collectable hereunder and that no sale for non-payment of taxes which has taken place heretofore shall be

rendered

rendered valid by this Act, but the taxes to the extent of six years if not satisfied shall be a charge on the land and payment thereof shall be enforced by sale as in other cases.

When land assessed against owner and occupant.

20.—(1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "T," and both names shall be numbered on the roll.

[*Sub-section 2 repealed. See 51 V. c. 29, s. 11 (2).*]

Ratepayer to be counted only once.

(3) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant saving his recourse against any other person. R. S. O. 1887, c. 193, s. 20 (1-3).

Assessment of land owned or occupied by several persons.

21.—(1) When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others.

Assessment of partnership property.

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property.

Assessment of property of company for school purposes.

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the com-

pany

pany shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within the municipality that the amount or proportion of the shares or stock of the company, so far as the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(*a*) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

(*b*) Any such notice given in pursuance of a resolution in that behalf of the directors of the company, shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(*c*) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all such notices as may be so on file in the clerk's office, and shall thereupon in respect of the said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(*d*) The word "company" in this section shall mean and include any body corporate. R. S. O. 1887, c. 193, s. 21.

[*Sections 22 and 23 repealed. See 51 V. c. 29, s. 11 (2).*]

When tenants may deduct taxes from rent.

24. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary. R. S. O. 1887, c. 193, s. 24.

Assessor to note non-residents if required, on the roll.

25. The assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in column number 3, the letters, "N. R," and the address of such freeholder. R. S. O. 1887, c. 193, s. 25.

How property estimated.

26.—(1) Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

Mineral lands.

(2) In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. R. S. O. 1887, c. 193, s. 26.

What shall be deemed vacant land, and how its value shall be calculated in cities, etc.

27.—(1) In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, (in case the council so directs) the assessors shall, in cities, and, where the extent of such ground exceeds ten acres, in towns and incorporated villages, value such land as though it was held for farming or gardening purposes, with such per centage added thereto as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same is situated, as the case may be.

Assessment thereof.

(2) In such case, the number and description of each lot, comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. R. S. O. 1887, c. 193, s. 27.

When not held for sale, but for gardens, etc.

28—(1) When ground is not held for the purposes of sale, but *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth

for

for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground. R. S. O. 1887, c. 193, s. 28.

Islands used as summer resorts.

(2) The owners or tenants of islands in the lakes not exceeding ten acres in extent and used with the houses erected thereon exclusively as summer resorts and upon which the owner or his tenants do not reside more than three months in the year and whereon no statute labour is done shall not be rated for statute labour nor shall the owner or tenant thereof be liable for the performance of statute labour or for the payment of commutation thereof for or in respect of such property.

Railway companies to furnish certain statements to clerks of municipalities.

29. Every railway company shall annually transmit, on or before the 1st day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement shewing:

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property, other than the roadway in actual use and occupation by the company, and its value; and

3. The vacant land not in actual use by the company, and the value thereof, as if held for farming or gardening purposes;

Duties of clerks thereon.

And the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to, any station or office of the company a notice addressed to the company of the total amount at which he has assessed the real property of the company in his municipality or ward, shewing the amount for each description of property mentioned in the above statement of the company; and such statement and notice respectively shall be held to be the statement and notice required by sections 42 and 47 of this Act. R. S. O. 1887, c. 193, s. 29.

Assessment of toll roads.

29*a*. Plank, gravel, macadamized or other toll roads not owned by any municipal corporation shall be assessed as real estate in the municipality in which the same are situate, and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith, but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith

Toll roads owned by counties or cities.

29*b*. Every toll road owned by any corporation or person other than a municipal corporation, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the minor municipality in which the same is situate, and

where the road extends or runs into or through more minor municipalities than one, each minor municipality shall assess that part thereof which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in that municipality.

Exemption of shares in toll roads.

29*c*. The stock or shares held by any person in any toll road and the dividends or income derivable therefrom are hereby exempted from assessment. 53 V. c. 54, s. 1.

Proceedings in case of non-resident lands.

30. As regards the lands of non-residents who have not required their names to be entered in the roll, the assessors shall proceed as follows:

To be inserted in roll separately.

1. They shall insert such land in the roll separated from the other assessments, and shall head the same as *Non-residents' Land Assessments.*

When not known to be sub-divided into lots.

2. If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

When known to be sub-divided into lots.

3. If it is known to be subdivided into lots, or is part of a tract known to be so subdivided, the assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it shall be sufficiently designated as such by its name or number, but if it is part of a lot, the part shall be designated in some other way whereby it may be known. R. S. O. 1887, c. 193, s. 30.

Mode of Assessing Personal Property.

Assessment of income derived from trade or profession.

31. Subject to the provisions of section 8, no person deriving an income from any trade, calling, office, profession or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal earnings or income during the year then last past than the excess of such earnings or income over and above the exemptions specified in sub-sections 23 and 24 and 24*a* of section 7 of this Act, and such last year's income in excess of such exempted sums shall be held to be his net personal property, unless such person has other personal property liable to assessment, in which case such excess of income and other personal property shall be added together and constitute his personal property liable to assessment.

Assessment of merchants.

31*a*.—(1) In the case of persons carrying on a mercantile business in a municipality the council of the municipality may pass a by-law or by-laws for imposing and levying an annual business tax in respect of all classes of mercantile business, without classification, or of any class or classes of mercantile business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on; and the council may in their by-law classify different kinds of mercantile business and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied within the limits provided by this section as to the council may seem reasonable; and provided also that when a business tax is imposed the personal property belonging to the business, in respect of which the tax is imposed, shall not be liable to assessment or taxation otherwise. 54 V. c. 45, s. 1.

(2) For the purposes of this section the annual value of the premises in which the business is carried on shall be taken to be an amount representing seven per cent. on the assessed real value of the said premises. 53 V. c. 55, s. 4 (2).

Beneficial owner of shares may be assessed.

32. The beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name. R. S. O. 1887, c. 193, s. 32.

Personal property in Province of non-residents assessable like property of residents.

33.—(1) All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof.

(2) The property shall be assessable in the municipality in which it may happen to be.

(3) This section does not apply to dividends which are payable to, or other *choses* in action which are owned by and stand in the name of, a person who does not reside in the Province. R. S. O. 1887, c. 193, s. 33.

Assessment of personal property of companies.

34.—(1) The personal property of an incorporated company, other than the companies mentioned in sub-section 2 of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership.

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, water works, plank or gravel roads, railway and tramroads, harbours or other works requiring the investment of the

whole

whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment; but the shareholders shall be assessed on the income derived from such companies. R. S. O. 1887, c. 193, s. 34.

Personal property of partnerships, how and where to be assessed.

35.—(1) The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

As to partnerships having more than one business locality.

(2) If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere. R. S. O. 1887, c. 193, s. 35.

Where parties carrying on trade, etc., to be assessed for personal property.

36.—(1) Every person having a farm, shop, factory, office or other place of business where he carries on a trade, profession, or calling, shall, for all personal property owned by him, wheresoever situate, be assessed in the municipality or ward where he has such place of business, at the time when the assessment is made.

When the party has two or more places of business.

(2) If a person has two or more such places of business in different municipalities or wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or, if this cannot be done, he shall be assessed for part of his personal property at one place of business and for part at another; but he shall, in all such cases, produce a certificate at each place of business of the amount of personal property assessed against him elsewhere. R. S. O. 1887, c. 193, s. 36.

When the party has no place of business.

37. If a person has no place of business, he shall be assessed at his place of residence. R. S. O. 1887, c. 193, s. 37.

Place of assessment of salaries, etc.

38. Every person who holds any appointment or office of emolument to which any salary, gratuity or other compensation is attached, or who is hired or regularly employed for wages, salary or other compensation, and performs the duties of such appointment or office, or the work in which he is so employed within a municipality in which he does not reside, shall be assessed in respect of such salary, gratuity, wages or other compensation at the place where he performs such duties or is so employed, and he shall not be assessable therefor at his place of residence, but, if required, shall procure a certificate of being otherwise assessed under the provisions of this section; but

this

this section shall not apply to clergymen, county municipal officers, or to Government officers or officers of minor municipalities when the location of the office is fixed by law or regulation of the Government or municipality, but in such cases the salary gratuity, wages or other compensation, shall be assessed against the incumbent of the office in the municipality wherein he resides.

When personalty of non-residents may be assessed against the agent therefor.

39. The personal property of a person not resident within this Province shall be assessed in the name of and against any agent, trustee or other person who is in the control or possession thereof, and shall be deemed to be the individual property of such agent, trustee or other person, for all objects within this Act. R. S. O. 1887, c. 193, s. 39.

Separate assessment of joint owners.

40. In case of personal property owned or possessed by or under the control of more than one person resident in the municipality or ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only. R. S. O. 1887, c. 193, s. 40.

Case of executors, etc.

41.—(1) Personal property in the sole possession, or under the sole control of any person as trustee, guardian, executor, or administrator, shall be assessed against such person alone.

Parties assessed as trustees, etc., to have their representative character attached to their names.

(2) Where a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name, or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the same municipality are joined with him in such representative character. R. S. O. 1887, c. 193, s. 41.

General Provisions.

Particulars respecting property to be furnished to assessors by parties who are assessable.

42. It shall be the duty of every person assessable for real or personal property in any local municipality, to give all necessary information to the assessors, and if required by the assessor, or by one of the assessors, if there is more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing:

All the particulars respecting the real or personal property assessable against such person which are required in the assessment roll; and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement. R. S. O. 1887, c. 193, s. 42 (1) *part*; 51, V. c. 29, s. 11 (2).

[*Sub-sections 2, 3, 4 and 5 repealed. See 51 V. c. 29. s. 11 (2).*]

43.

Statement to be furnished to assessor.

43. Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. R. S. O. 1887, c. 193, s. 43.

Statements given by parties not binding on assessors.

44. No such statement shall bind the assessor, or excuse him from making due inquiry to ascertain its correctness; and, notwithstanding the statement, the assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. R. S. O. 1887, c. 193, s. 44.

Penalty for not giving statement or making false statement.

45.—(1) In case any person fails to deliver to the assessor the written statement mentioned in the preceding three sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the assessor, and upon conviction before a Justice of the Peace having jurisdiction within the county wherein the municipality is situate, forfeit and pay a fine to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace.

(2) The fine for default shall be, under section 42 or 44 $20; and under section 43, $100. R. S. O. 1887, c. 193, s. 45.

[*Sec. 46 repealed. See 52 V. c. 40, s. 5.*]

47.—(1)

Assessor to give notice to parties of the value at which their property is assessed.

47.—(1) Every assessor, before the completion of his roll, shall leave for every party named thereon, resident or domiciled, or having a place of business within the municipality, and shall transmit by post to every non-resident who has required his name to be entered thereon, and furnished his address to the clerk, a notice of the sum at which his real and personal property has been assessed, according to the form of Schedule B., annexed to this Act, and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission. R. S. O. 1887, c. 193, s. 47 (1).

[*Sub-sec. 2 repealed. See 51 V. c. 29, s. 11 (2)*].

Assessor not required to give notice to farmers' sons.

(3) Nothing in the preceding sub-section contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as a farmer's son, either under the provisions of this Act or otherwise, but in any notice given or transmitted to any farmer under the provisions of this section the assessor shall enter and set forth the name of every person entered in said roll as a son of such farmer.

Service of notices on farmers' sons.

(4) Any notice, document or paper necessary to be given to, or left with, or served upon a farmer's son under any of the provisions of this Act, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of the farmer whose son he is.

Interpretation.

(5) In this section the expression "Farmer's Son" and the word "Farmer" shall have the same meaning as in section 2 of this Act. 52 V. c. 40, s. 4 (1-3).

Notice to be given when persons assessed as separate school supporters.

47*a*. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer, provided for by the 47th section of this Act, and set forth in schedule B. annexed hereto, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words: "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be; or these words may be added to the notice of the ratepayer set forth in the said schedule. 53 V. c. 71, s. 2.

Assessor to be guided by index book.

47*b*. Where the list required by the first section of the *Act to amend the Public and Separate Schools Acts* is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax. 53 V. c. 71, s. 3.

[*Sec 48 repealed. See 51 V. c. 29, s. 11 (2).*]

49.

When assessment roll to be completed.

49. Subject to the provisions of sections 52 and 54, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same on or before the 30th day of April and shall attach thereto the following affidavit or solemn declaration verified upon oath or solemn affirmation before the Clerk, a Justice of the Peace or a Commissioner in the form following:

Form of affidavit verifying roll.

I, (*name and residence*), make oath and say (*or* solemnly declare and affirm,

1. That I have set down in the above assessment roll all the real property liable to taxation, situate in the municipality (*or* ward) of (*as the case may be*) and the true actual value thereof in each case, according to the best of my information and judgment;

2. That the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll and that I have estimated and set down the same according to the best of my information and belief;

3. That I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit or otherwise to be entitled by law to be so entered;

4. That according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either under this Act or *The Manhood Suffrage Act*, or any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts; and I further say, that the date of delivery or transmitting the notice required by section 47 of this Act is in every case truly and correctly stated in the said roll;

5. I further say, that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid;

6. I further say, that I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote, a right of voting; and that I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have

I,

I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there.

Sworn (*or* solemnly declared and affirmed) before me at , of in the county of . this day of , A.D. 18 ."

52 V. c. 40, s. 3 (6).

Assessment rolls to be delivered to clerks of municipalities, etc.

50. Subject to the provisions of section 54 every assessor shall, on or before the thirtieth day of April, deliver to the clerk of the municipality such assessment roll, completed and added up, with the affidavits attached; and the clerk shall immediately upon the receipt of the roll, file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the householders, tenants, freeholders and income voters, resident, owning or in possession of property, or in receipt of incomes in the municipality. R. S. O. 1887, c. 193, s. 50; 52 V c. 40, s. 7.

Assessor to make enquiries so as to prevent creation of false votes.

51.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable enquiries before assessing, entering or naming any such person in the assessment roll.

Persons entitled to be assessed to be entered on roll without request.

(2) Any person whomsoever entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf; and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a court or a judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

Penalty for causing improper entries on roll.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in either or any such case to give to a person not entitled thereto either the right or an apparent right to be a voter; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and

improperly

improperly omits, or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in either case to deprive any person of his right to be a voter, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding $200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

"Voter," meaning of.

(4) The word "Voter" in this section shall have the meaning given thereto by *The Ontario Voters' Lists Act, 1889.* 52 V. c. 40, s. 6.

Special provisions relating to Counties, Cities, Towns and Villages.

Time for taking the assessment and revising the rolls in cities, etc.

52.—(1) In cities, towns and incorporated villages, the council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the Court of Revision, and by the County Judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment between the 1st day of July and the 30th day of September, the rolls being returnable in such case to the city, town or village clerk on the 1st day of October; and in such case the time for closing the Court of Revision shall be the 15th day of November, and for final return by the Judge of the County Court the 31st day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be levied, and in the year following the passing of the by-law, the council may adopt the assessment of the preceding year as the basis of the assessment of that year. R. S. O. 1887, c. 193, s. 52.

(2) When there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 31st day of December, the council may notwithstanding adopt the assessment when finally revised, as the assessment on which the rate of taxation for the said following year shall be levied.

Assessment of localities added to cities and towns.

(3) Where an addition of any part of the localities adjacent to any city or town has been made to said city or town, in any year subsequent to the 30th day of September, under the provisions of section 22 of *The Municipal Act,* the council of said city or town may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality, as the basis of the assessment for said part for that year, although the assessment of the remainder of the city or town has been made, and the rate of taxation has been levied in accordance with the preceding provisions of this section; and the levying of a pro-

portionate

portionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon; and the qualification of municipal voters in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken. 52 V. c. 39, s. 1.

Payment of taxes by instalments.

53.—(1) In cities, towns, townships, or incorporated villages the council may, by a by-law, or by-laws, require the payment of taxes and of all local improvement assessments, including sewer rents and rates, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may by such by-law, or by-laws, allow a discount for the prompt payment of such taxes, assessments, rents or rates, or any instalment thereof, on or before the day or days on which the same shall be made payable.

Percentage on unpaid taxes.

(2) The council may by by-law or by-laws impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which shall not be paid on the day appointed, for the payment thereof, and in towns, villages, or townships, where no day shall have been appointed for payment, the council may by by-law or by-laws impose such percentage on those which shall not have been paid on or before the 14th day of December in each year, there having been fourteen days previous demand or notice, as hereinafter provided, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof. R.S.O. 1887, c. 193, s. 53; 51 V. c. 29, s. 5; 52 V. c. 39, s. 2.

(3) The notice or demand mentioned in section 123 of this Act may be given or made by the collector at any time after the receipt of the collection roll, and may be acted upon at any time after the expiration of fourteen days from the giving of such notice or making such demand, or after the day appointed for payment by any by-law passed under this section, whichever shall last happen. 52 V. c. 39, s. 3.

Additional percentage to be added to overdue taxes on non-resident lands.

(4) The council may, by any by-law or by-laws, to be passed under sub-section (2) of this section, impose the said additional percentage charge on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, imposed on the lands of non-residents whose names have not been set down on the assessor's roll, which shall not be paid on or before the first day of November in each year, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, in the return required to be made under section 121 of

this

this Act, and if such return shall be made before the first day of November, and the tax or assessment, rent or rate, or instalment thereof shall afterwards be paid on or before that day, such additional percentage shall not be chargeable by the treasurer of the county, city or town, or other official, as the case may be. 54 V. c. 45, s. 2.

County councils may regulate time for taking assessment.

54.—(1) County councils may pass by-laws for taking the assessment in towns, townships and incorporated villages, between the 1st day of February and the 1st day of July.

(2) If such by-law extends the time for making and completing the assessment rolls beyond the 1st day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and for final return in case of an appeal, twelve weeks from that day. R.S.O. 1887, c. 193, s. 54.

COURT OF REVISION.

When council consists of five members only.

55. If the council of the municipality consists of not more than five members, such five members shall be the Court of Revision for the municipality. R. S. O. 1887, c. 193, s. 55.

When of more than five.

56. If the council consists of more than five members, such council shall appoint five of its members to be the Court of Revision. R. S. O. 1887, c. 193, s. 56.

Appointment of court of revision in large cities.

56*a*.—Notwithstanding anything contained in the two preceding sections, the council of any city having a population of 40,000 or over, may by by-law appoint in each year as the court of revision for the municipality, three persons, none of whom shall be a member or officer of, or in the employment of the city council, and may provide by the same or any other by-law for the payment of the members of such court of revision; and such persons so appointed shall be a court of revision for such city, and the court shall have the same powers as a court of revision appointed under the above sections, and those sections of this Act and *The Municipal Act* which apply to courts of revision, and are not inconsistent herewith shall apply hereto, and this section may be read therewith. 53 V. c. 54, s. 4.

Oath of members of Court of Revision.

57. Every member of the Court of Revision, before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath or affirmation in cases where, by law, affirmation is allowed:

"I , do solemnly swear (*or* affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision, which may be brought before me for trial as a member of said Court."

R. S. O. 1887, c. 193, s. 57.

Quorum.

58. Three members of the Court of Revision shall be a quorum; and a majority of a quorum may decide all questions before the Court. But no member of the Court shall act as a member thereof when an appeal is being heard respecting any property in which he is directly or indirectly interested. R. S. O. 1887, c. 193, s. 58.

Who to be clerk.

59. The clerk of the municipality shall be clerk of the Court, and shall record the proceedings thereof. R. S. O. 1887, c. 193, s. 59.

Meetings of Court.

60. The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head of the municipality; but the first sitting of the Court of Revision shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the clerk of the municipality. R. S. O. 1887, c. 193, s. 60.

Court to try all complaints, etc.

61. At the times or time appointed, the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. R. S. O. 1887, c. 193, s. 61.

May administer oaths, etc.

62. The Court, or some member thereof, may administer an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such Court. R. S. O. 1887, c. 193, s. 62. *See sec.* 64 (16).

Penalty on witnesses for non-attendance.

63. If a person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty of $20, to be recoverable, with costs, by and to the use of any person suing for the same, either by suit in the proper Division Court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. R. S. O. 1887, c. 193, s. 63.

Proceeding for the Trial of Complaints.

Notice of complaint by party aggrieved.

64.—(1) Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll, may personally, or by his agent give notice in writing to the clerk of the municipality, (or assessment commissioner, if any there be), that he considers himself aggrieved for any or all of the causes aforesaid.

Time within which notices of appeal to the Court are to be given.

(2) The notice shall be given to the clerk (or assessment commissioner, if any there be), within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose.

(3)

When elector thinks any person assessed at too low or too high a rate.

(3) If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, he may within the time limited by the preceding sub-section give notice in writing to the clerk of the municipality, (or assessment commissioner, as the case may be), and the clerk shall give notice to such person and to the assessor, of the time when the matter will be tried by the Court of Revision; and the matter shall be decided in the same manner as complaints by a person assessed.

Clerk to give notice by posting up list.

(4) The clerk of the Court shall post up in some convenient and public place within the municipality or ward, a list of all complainants, on their own behalf, against the assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints; and no alteration shall be made in the roll unless under a complaint formally made according to the above provisions.

Order of hearing appeals.

Postponement.

(5) The clerk of the Court shall enter the appeals on the list in the order in which they are received by him, and the Court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Form of list of appeals.

(6) Such list may be in the following form:

Appeals to be heard at the Court of Revision, to be held at on the day of , 18 .

Appellant.	Respecting whom.	Matter complained of.
A. B.	Self	Overcharged on land.
C. D.	*E. F.*	Name omitted.
G. H.	*J. K.*	Not *bona fide* owner or occupant.
L. M.	*N. O.*	Personal property undercharged.
&c.	&c.	

Clerk to advertise sittings of Court,

(7) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, the time at which the Court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

to leave a list with assessor,

(8) The clerk shall also cause to be left at the residence of each assessor, a list of all the complaints respecting his roll.

and prepare notice to person complained against.

(9) The clerk shall prepare a notice in the form following for each person with respect to whom a complaint has been made:—

Take

Take notice, that you are required to attend the Court of Revision at on the day in the matter of the following appeal: Form

"Appellant, *G.H.*

"Subject—That you are not a *bona fide* owner or occupant, (*or as the case may be.*)

"(Signed) *X. Y.*,
"To *J. K.* Clerk."

(10) If the person resides or has a place of business in the local municipality, the clerk shall cause the notice to be left at the person's residence or place of business. Service to at residence.

(11) If the person is not known, then the notice shall be left with some grown person on the assessed premises, if there is any such person there resident; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office. How absentees served.

(12) Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sittings of the Court. When notice to be completed.

(13) Where necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make; and in the event of his failure to effect such services in time for the first sitting of the Court, the Court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day. Clerk may require assistance in making services. Power to adjourn.

(14) If the party assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court, and make a declaration, in case the complainant appears in person, in the form of Schedule C., D. or E. to this Act, according to the fact; and if the complainant appears by agent, such agent may make the declaration in the form of Schedule F., G. or H., as the case may be; and no abatement shall be made from the amount of income on account of debts due, nor from the value of personal property, other than income in respect of debts, except debts due for or on account of such personal property; and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income as is specified in such declaration, unless such Court is dissatisfied with the declaration, in which case the party making the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by such Court, respecting the correctness of such declaration; and such Court shall confirm, alter or amend the roll as the evidence seems to warrant. Proceedings when party assessed complains of overcharge on personal property, etc. Effect of declaration by each party.

(15) In other cases, the Court, after hearing the complainant, and the assessor or assessors, and any witness adduced, and, Proceedings other cases.

if

if deemed desirable, the party complained against, shall determine the matter, and confirm or amend the roll accordingly. And the Court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed. And in all cases which come before the said Court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent four days' notice of such assessment, within which time he must appeal to said Court if he objects to such assessment.

Oaths of certain parties not necessary.

(16) It shall not be necessary to hear upon oath the complainant or assessor, or the party complained against, unless where the Court deems it necessary or proper, or the evidence of the party is tendered on his own behalf or required by the opposite party.

When to proceed *ex parte*.

(17) If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

Extension of time for complaints,

(18) Where it appears that there are palpable errors which need correction, the Court may extend the time for making complaints ten days further, and may then meet and determine the additional matter complained of, and the assessor may, for such purpose, be the complainant.

and to finish business by July 1st.

(19) Subject to the provisions of sections 52 and 54, all the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court, before the 1st day of July in every year—except in the municipality of Shuniah, in which municipality all the duties of the Court of Revision which relate to the matters aforesaid shall be completed, and the rolls finally revised,

Provision as to Shuniah.

by the Court, before the 15th day of July in every year, and except in municipalities coming within the provisions of chapter 185 of the Revised Statutes, 1887.

Procedure upon appeals.

(20) In case any person appeals against his assessment upon any ground, the Court of Revision, or the Judge of the County Court, as the case may be, may re-open the whole question of the assessment, so that omissions or errors in the assessment may be corrected, and the accurate amount for which the assessment should be made be placed on the assessment roll by the Court or Judge before handing the same over to the clerk of the municipality. R.S.O. 1887, c. 193, s. 64.

Roll to be binding, notwithstanding errors in it or in notice sent to persons assessed.

65. The roll, as finally passed by the Court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 47 of this Act, or the omission to deliver or transmit such notice. R. S. O. 1887, c. 193, s. 65.

Copy of assessment roll duly certified to be evidence.

66. A copy of any assessment roll, or portion of any assessment roll, written or printed, without any erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any Court of justice without proof of the seal or signature, or the production of the original assessment roll, of which such certified copy purports to be a copy, or a part thereof. R.S.O. 1887, c. 193, s. 66.

Further powers granted to Court of Revision for remitting or reducing taxes.

67. The Court shall also, before or after the 1st day of July, and with or without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes, or who, by reason of any gross and manifest error in the roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged ; and the Court may, subject to the provisions of any by-law in this behalf, remit or reduce the taxes due by any such person, or reject the petition ; and the council of any local municipality may, from time to time, make such by-laws, and repeal or amend the same. R. S. O. 1887, c. 193, s. 67.

APPEALS FROM THE COURT OF REVISION.

Appeal from Court of Revision.

68.—(1) An appeal to the County Judge shall lie, not only against a decision of the Court of Revision on an appeal to said Court, but also against the omission, neglect or refusal of said Court to hear or decide an appeal.

Service of notice of appeal.

(2) The person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within five days after the date herein limited for closing the Court of Revision, a written notice of his intention to appeal to the County Judge—except in the municipality of Shuniah, in which municipality the notice shall be given within ten days after the 1st day of August in every year and except in municipalities coming within the provisions of chapter 185 of the Revised Statutes, 1887. R. S. O. 1887, c. 193, s. 68 (1, 2).

Proviso as to Shuniah.

Day for hearing.

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge, who shall then notify the clerk of the day he appoints for the hearing thereof, and shall, if in his opinion the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such court within the municipality from the court of revision of which such appeal is made, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held. R.S.O. 1887, c 193 s. 68 (3) ; 53 V. c. 54, s. 2.

Places for hearing appeals from courts of revision.

Clerk to notify parties.

(4) The clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint under section 64 of this Act; but in the event of failure by the clerk to have the required service in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

List of appellants, etc., to be posted up by clerk.

(5) The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear appeals.

Clerk of Court.

(6) The clerk of the municipality shall be the clerk of such Court.

Hearing and adjournment.

Proviso as to Shuniah, etc.

(7) At the Court so holden, the Judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all the appeals may be determined before the 1st day of August—except in the municipality of Shuniah (in which municipality all such appeals shall be determined before the 15th day of September in every year), and except in the cases provided for in sections 52 and 54, and except in municipalities coming within the provisions of chapter 185 of the Revised Statutes, 1887. R. S. O. 1887, c. 193, s. 68 (4-7).

Assessment roll to be produced to the Court, and amended, etc.

69. At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the Court of Revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given, the clerk of the Court shall, when the same is given, forthwith alter and amend the roll, according to the same, and shall write his name against every such alteration or correction. R. S. O. 1887, c. 193, s. 69.

Amendments how certified.

Powers of Judge sitting in appeal from Court of Revision.

70. In all proceedings before the County Judge or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and

judgments

judgments, as belong to or might be exercised by him, in the Division Court or in the County Court. R. S. O. 1887, c. 193, s. 70.

Style of proceedings.

71. All process or other proceedings in, about or by way of appeal, may be entitled as follows:

In the matter of appeal from the Court of Revision of the , of

———————————, Appellant,

and

———————————, Respondent,

and the same need not be otherwise entitled. R. S. O. 1887, c. 193, s. 71.

Costs to be apportioned by the Judge, and how enforced.

72. The costs of any proceeding before the Court of Revision or before the Judge as aforesaid shall be paid by or apportioned between the parties in such manner as the Court or Judge thinks fit, and where costs are ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person, the same shall be enforced, when ordered by the Court of Revision, by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the Judge, by execution to be issued as the Judge may direct, either from the County Court or the Division Court within the county in which the municipality or assessment district, or some part thereof, is situated, in the same manner as upon an ordinary judgment for costs recovered in such Court. R. S. O. 1887, c. 193, s. 72.

What costs chargeable.

73. The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance, and none other; and the same are to be taxed according to the allowance in the Division Court for such costs; and in cases where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder. R. S. O. 1887, c. 193, s. 73.

Expenses of county judges on assessment appeals.

73*a*. County Court Judges shall be entitled to receive from the municipality as their expenses, for holding Courts in the various municipalities other than the county town, for the purpose of hearing appeals from the Court of Revision, under the provisions of this Act, the same sums as they are allowed for holding courts for revising voters' lists. 52 V. c. 39, s. 7.

Decision of County Judge to be final.

74. The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated, and the clerk of the municipality shall amend the rolls accordingly. R. S. O. 1887, c. 193, s. 74.

Copy of roll to be transmitted to county clerk.

75. When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of

the

the municipality shall, within 90 days, transmit to the county clerk a certified copy thereof under a penalty of not less than $10 and not more than $20. R. S. O. 1887, c. 193, s. 75.

Appeals where large amounts involved.

Appeals where large amounts or questions of law involved.

76.—(1) Where there is an appeal from any Court of Revision under section 68 of this Act to the County Court Judge of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating $50,000, such person, partnership or corporation shall, on depositing with the clerk of the Court of Revision appealed from the sum of $50 to pay the travelling expenses of the board or Judge to be called in as hereinafter mentioned, have the right to have the appeal from the said Court of Revision heard by a board consisting of the Judges of the counties which constitute the County Court District, if the property assessed be in a county which forms part of a County Court District, and if not, then the party or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the said appeal shall thereupon be heard by the County Court Judge and the said Judge so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify each of the Judges whose duty it shall be to attend upon such appeal as aforesaid, by post, prepaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the Judge of the county in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post, prepaid, the other Judge or Judges and the parties appealing.

(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the district or provisional county in which the property assessed is situate, and a person or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding $50,000, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the clerk of the municipality the sum of $50 to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said provisional county or district is attached for judicial purposes; the notice of such appeal, the time for

bringing

bringing the same on, and the procedure generally, to be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

(3) Sections 68 to 77 inclusive, shall apply to all appeals taken under the preceding two sub-sections, and the said Judges shall have the powers and duties which by the said sections, 68 to 77, are assigned to the County Court Judge therein referred to.

(4) When two Judges hear the appeal, and differ in their opinion as to the allowance of the said appeal or otherwise, then the said assessment appealed from shall stand confirmed.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid shall pay out of the moneys so deposited, upon requisition by the Judge, such sum as the said Judge shall certify to him as his travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person or corporation depositing the same.

(6) The provisions of this section shall also be held as applying in any case where the person, partnership, or corporation desiring to appeal has been assessed on properties to an amount not less than $20,000, and not exceeding $50,000, provided that the matter of appeal involves questions of law, and does not involve only the question of the value at which such properties have been so assessed. R. S. O. 1887 c. 193, s. 76.

APPEALS BY NON-RESIDENTS.

Appeals with respect to non-residents' lands.

77. In case any non-resident, whose land within the limits of any city, town, incorporated village or township, has been assessed in any revised and corrected assessment roll, complains by petition to the proper municipal council, at any time before the 1st day of May in the year next following that in which the assessment is made, such council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint; and all decisions of municipal councils under this Act may be appealed from, tried and decided, as provided by section 68 and following sections of this Act; and if the lands are found to have been assessed twenty-five per centum higher than similar land belonging to residents, the council or Judge shall order the taxes rated on such excess to be struck off; and, in all such cases, where the land has been subdivided into park, village or town lots, if the same are owned by the same person or persons, the statute labour tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no roll shall be amended, under this section of this Act, if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of sections 64 to 75 of this Act. R. S. O. 1887, c. 193, s. 77.

Lots sub-divided not to affect rolls revised and corrected.

EQUALIZATION

EQUALIZATION OF ASSESSMENTS.

Annual examination of assessment rolls by municipal councils, and for what purpose.

78. The council of every county shall, yearly, before imposing any county rate, and except as provided by sections 52 and 54, not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations made by the assessors in each township, town or village bear a just relation one to another, and may, for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between the valuations of real and personal estate in the county; but they shall not reduce the aggregate valuation thereof for the whole county as made by the assessors. R. S. O. 1887, c. 193, s. 78.

Appeal as to equalization of assessments.

79. If any municipality is dissatisfied with the action of any county council in increasing or decreasing, or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows:

1. The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the County Judge;

2. Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the County Judge;

3. Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the County Judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting.

4. The Lieutenant Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a Judge of another county, who together with the county Judge shall form a Court, and the said Court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal either with or without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn from time to time,

and,

and, except as provided in sections 52 and 54, the judgment of the said Court shall not be deferred beyond the 1st day of August next after the notice of the appeal; and the Court shall equalize the whole assessment of the county. R.S.O. 1887, c. 193, s. 79 (1-4); 52 V. c. 39, s. 4.

5. The Judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed $10 a day, besides his travelling and other expenses, and the County Judge, sheriff, or registrar, shall also receive a reasonable sum, not to exceed $10 each, per day, and to be paid by the county. R.S.O. 1887, c. 193, s. 79 (5); 52 V. c. 39, s. 5.

Quorum.

6. Any two members of such Court shall constitute a quorum, and such Court may proceed and adjudicate upon such appeal, notwithstanding the office of sheriff or of registrar or of County Judge is vacant.

Equalization by County Judge.

7. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the County Judge, the clerk of the county council shall forthwith notify in writing the County Judge, and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the matter of appeal, and may adjourn the hearing from time to time, but, except as provided in sections 52 and 54, the judgment shall not be deferred beyond the 1st day of August next after such appeal; and the Judge shall equalize the whole assessment of the county.

Appeal in cases of equalization of assessment.

8. The right of appeal shall exist whether county valuators have been appointed or not, and upon any such appeal the report of the county valuators shall be open to review by the Court or Judge as herein provided. R.S.O. 1887, c. 193, s. 79. (6-8).

Costs.

9. The costs incurred in the prosecution and opposing of such appeal respectively shall be borne and paid as directed by the county judge or court as the case may be, and not otherwise, and shall be subject to taxation on the county court scale by the clerk of the county court of the said county.

Directions to clerk of county council after equalization of assessment roll.

10. In the event of the assessment of any one or more municipalities being reduced or increased by the County Judge or the Court, directions shall be given by the said Judge or Court to the clerk of the county council to increase or reduce the rate imposed by the by-law of the county council so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide. 52 V. c. 39, s. 6.

Effect of clerk of municipality omitting to send copy of roll.

80. If the clerk of the municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not prevent the county council from equalizing the valuations in the several municipalities according to the best information obtainable;

obtainable; and any rate imposed, according to the equalized assessment, shall be as valid as if all the assessment rolls had been transmitted. R. S. O. 1887, c. 193, s. 80.

Valuators to attest their report on oath.

81. In cases where valuators are appointed by the council to value all the real and personal property within the county, they shall attest their report by oath or affirmation in the same manner as assessors are required to verify their rolls by section 142 of this Act. R. S. O. 1887, c. 193, s. 81.

Apportionment of county rates, how to be based.

82. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole ratable property of the county, make the amount of property returned on the assessment rolls of such townships, towns and villages, or reported by the valuators as finally revised and equalized for the preceding year, the basis upon which the apportionment is made. R. S. O. 1887, c. 193, s. 82.

Case of new municipalities.

83. Where a new municipality is erected within a county, so that there are no assessment or valuators' rolls of the new municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly. R. S. O. 1887, c. 193, s. 83.

County councils to apportion sums required for county purposes.

84. Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and, by by-law, direct what portion of such sum shall be levied in each township, town or village in such county or locality. R. S. O. 1887, c. 193, s. 84.

County Clerk to certify amounts to clerks of local municipalities.

85. Subject to the provisions of sections 52 and 54 the county clerk shall, before the 15th day of August in each year, certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes, or for the purposes of any such locality; and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R. S. O. 1887, c. 193, s. 85.

Act not to affect provisions for rates to raise interest on county debentures.

86. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any municipal Act now or formerly in force in this Province, or in any Act respecting the Consolidated Municipal Loan Fund in Ontario or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same. R. S. O. 1887, c. 193, s. 86.

STATUTE LABOUR.

Certain persons in military service exempt.

87. No person in Her Majesty's Naval or Military Service on full pay, or on actual service, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R. S. O. 1887, c. 193, s. 87. *(Firemen exempted in certain cases. See* R.S.O. 1887, c. 188, s. 6*).*

Who liable and in what ratio, in cities towns and villages.

88. Every other male inhabitant of a city, town or village of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour), who has not been assessed upon the assessment roll of the city, town or village, or whose taxes do not amount to $2, shall, instead of such labour, be taxed at $1 yearly therefor, to be levied and collected at such time, by such person, and in such manner as the council of the municipality may, by by-law, direct, and such inhabitant shall not be required to have any property qualification. R. S. O. 1887, c. 193, s. 88; 54 V. c. 45, s. 4.

Power to reduce or abolish payment in lieu of statute labour.

89. The council of every city, town and incorporated village, may pass a by-law or by-laws to reduce or abolish the amount to be paid in lieu of statute labour, as provided by the next preceding section. R.S.O. 1887, c. 193, s. 89.

Where to be performed.

90. Subject to the provisions of the next preceding section, no person shall be exempt from the tax in section 88 mentioned, unless he produces a certificate of his having performed statute labour or paid the tax elsewhere. R. S. O. 1887, c. 193, s. 90.

Liability of persons not otherwise assessed in townships.

91. Subject to the provisions of the next succeeding section, every male inhabitant of a township, between the ages aforesaid, who is not otherwise assessed, and who is not exempt by law from performing statute labour, shall be liable to one day of statute labour on the roads and highways in the township. R. S. O. 1887, c. 193, s. 91; 54 V. c. 45, s. 5.

Power to reduce or abolish statute labour.

92. The council of every township shall have the power to pass by-laws to reduce the amount of statute labour to be performed by the ratepayers or others within the township, or to entirely abolish such statute labour and the performance thereof by all persons within said township. R.S.O. 1887, c. 193, s. 92.

Ratio of service in case of persons assessed.

93.—(1) Every person assessed upon the assessment roll of a township shall, if his property is assessed at not more than $300, be liable to two days' statute labour; at more than

$300 but not more than $500, three days; at more than $500 but not more than $700, four days; at more than $700 but not more than $900, five days; and for every $300 over $900, or any fractional part thereof over $150, one additional day; but the council of any township, by a by-law operating generally and ratably, may reduce or increase the number of days' labour to which all the parties, rated on the assessment roll or otherwise, shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed.

Council may reduce or increase the number of days proportionately.

Lots subdivided as park lots, etc.

(2) In townships where farm lots have been subdivided into park or village lots, and the owners are not resident, and have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the list required under section 121 of this Act, where such lots are under the value of $200, to a rate not exceeding one-half per centum on the valuation; but the council may direct a less rate to be imposed by a general by-law affecting such village lots. R. S. O. 1887, c. 193, s. 93.

Commutation may be at $1 per day.

94. The council of any township may, by by-law, direct that a sum not exceeding $1 a day shall be paid as commutation of statute labour, for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes. R. S. O. 1887, c. 193, s. 94; 51 V. c. 29, s. 6.

Commutation may be fixed at any sum not exceeding $1.

95. Any local municipal council may, by a by-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding $1 for each day's labour, and the sum so fixed shall apply equally to residents who are subject to statute labour, and to non-residents in respect to their property. R. S. O. 1887, c. 193, s. 95.

If no by-law, commutation to be at $1.

96. Where no such by-law has been passed, the statute labour in townships, in respect of lands of non-residents, shall be commuted at the rate of $1 for each day's labour. R. S. O. 1887, c. 193, s. 96.

Farmers' sons.

97.—(1) Every farmer's son rated and entered as such on the assessment roll of any municipality, shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor, as if he were not so rated and assessed. R. S. O. 1887, c. 193, s. 97.

Exemption of tenant farmer's sons from statute labour.

(2) Every tenant farmer's son *bona fide* resident on the farm of his father or mother, shall be exempt from statute labour in the same manner as if he were the son of an owner and jointly assessed for the property upon which he resides as provided by section 2 of *The Franchise Assessment Act, of 1889*. 54 V. c. 45, s. 6.

52 V. c. 40.

98.—(1)

98.—(1) Any person liable to pay the sum named in section 88, or any sum for statute labour commuted under section 94 of this Act, shall pay the same to the collector to be appointed to collect the same, within two days after demand thereof by the said collector; and in case of neglect or refusal to pay the same, the collector may levy the same by distress of goods and chattels of the defaulter, with costs of the distress; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the county in which the local municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of $5 with costs, and, in default of payment at such time as the convicting Justice shall order, shall be committed to the common gaol of the county, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid. Payment of tax in lieu of statute labour may be enforced by distress or imprisonment.

(2) Any person liable to perform statute labour under section 91 of this Act not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for the purpose; and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of $5, and upon summary conviction thereof before a Justice of the Peace aforesaid, such Justice shall order the same, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there is no sufficient distress, such offender may be committed to the common gaol of the county and there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(3) All sums and penalties, other than costs, recovered under this section, shall be paid to the treasurer of the local municipality, and form part of the statute labour fund thereof. R. S. O. 1887, c. 193, s. 98. *See* R. S. O. 1887, c. 197, s. 7.

99. No non-resident who has not required his name to be entered on the roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value; and, in all cases in which the statute labour of a non-resident is paid in money, the municipal council shall order the same to be expended in the statute labour division where the property is situate, or where the said statute labour tax is levied. R. S. O. 1887, c. 193, s. 99. Non-residents when not admitted to perform statute labour

100.—(1) In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour When non-residents admitted, but do not perform statute labour

or

or pay commutation for the same, the overseer of highways in whose division he is placed shall return him as a defaulter to the clerk of the municipality, before the 15th day of August, and the clerk shall in that case, enter the commutation for statute labour against his name in the collector's roll; and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

Amount of non-residents' statute labour.

(2) Whenever one person is assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner; but every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. R. S. O. 1887, c. 193 s. 100.

Proviso.

If resident owner, etc., makes default commutation for statute labour to be entered upon collector's roll.

101 —(1) Where a resident owner, tenant or occupant who has been entered upon the assessment roll, after notice or demand, makes default in performing his statute labour or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the fifteenth day of August, and the clerk shall in that case enter the commutation for statute labour against his name in the collector's roll, and the same shall be collected by the collector.

Overseer to expend the commutation money.

(2) In every such case the clerk shall notify the overseer of highways, that may be appointed for such division in the following year, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. R.S.O. 1887, c. 193, s. 101.

Statute Labour in Unincorporated Townships—Road Commissioners.

Meeting for election of road commissioners.

102. Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners. R.S.O. 1887, c. 193, s. 102.

Requisition for meeting.

103. The persons desiring the meeting to be called shall sign a requisition authorizing some person named in the requisition, and who may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. R.S.O. 1887, c. 193, s. 103.

104.

104. In case the person so named declines to call a meeting or neglects to do so, for ten days after the request is presented to him, any three of the persons who signed the requisition may call the meeting. R.S.O. 1887, c. 193, s. 104. How meeting may be called in case person named in requisition fails to call it.

105. The notice calling the meeting shall name a place, day and hour, where the meeting is to be held; it shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. R.S.O. 1887, c. 193, s. 105. Notice of meeting.

106. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting shall, before proceeding to an election, decide that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. R.S.O. 1887, c. 193, s. 106. Number of commissioners.

107. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings. R.S.O. 1887, c. 193, s. 107. Chairman of meeting.

108. The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. R.S.O. 1887, c. 193, s. 108. Mode of voting.

109. The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes. R.S.O. 1887, c. 193, s. 109. Record of persons voting.

110. If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form whereupon such person shall be permitted to vote: Objections to voters.

You swear (*or, if the voter is entitled to affirm,* solemnly affirm, *as the case may be*), that you are of the age of twenty-one years, and that you are the owner or locatee of lot in the concession of this township, and that you are entitled to vote at this election. So help you God.

R.S.O. 1887, c. 193, s. 110.

111.

Term of office

111. The commissioners elected shall hold office until the 31st day of December next after their election, and shall take the declaration of office before a justice of the peace, similar to that of a councillor in a municipal corporation. R.S.O. 1887, c. 193, s. 111; 51 V. c. 29, s. 7.

First meeting of commissioners.

112. The commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. R.S.O. 1887, c. 193, s. 112.

Time for performance of statute labour.

113. The times to be appointed for the performance of statute labour shall, unless the meeting of landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July in any year. R.S.O. 1887, c. 193, s. 113.

Ratio of service by owners and locatees of land.

114 (1) Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour and each householder may be required each year to perform one day's labour.

Liability of land owners to statute labour.

(2) Any land-owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in sub-section 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared R.S.O. 1887, c. 193, s. 114; 51 V. c. 29, s. 8.

Commissioners to oversee work.

115. Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of $1.25 per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. The commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively. R.S.O. 1887, c. 193, s. 115; 51 V. c. 29, s. 9.

Commutation

116. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of $1 per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed. R.S.O. 1887, c. 193, s. 116.

117.

117. The majority of the commissioners may call a meeting, to be held at any time during the month of January, for the election of their successors, but in case of their failure so to do, a meeting may be called in the manner hereinbefore provided for a first election. R.S.O. 1887, c. 193, s. 117. Meeting for election of new commissioners.

118. Any person liable to perform statute labour under the next preceding 16 sections, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of $5, and in addition $1 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, and upon such person's conviction thereof before a Justice of the Peace having jurisdiction in the township, such Justice shall order the penalty together with costs of prosecution and distress, to be levied by distress of the offender's goods and chattels. R.S.O. 1887. c. 193, s. 118. Penalty for neglect to perform work.

118*a*. The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of $5, which may be sued for, together with costs, in any Court having jurisdiction, by any three electors making the complaint. 51. V. c. 29, s. 10. Penalty for neglect to serve as commissioners.

COLLECTION OF RATES.

119. The clerk of every local municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information required by this Act, to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and, opposite the said assessed value as therein described of each respective person, he shall set down in one column to be headed "County Rates," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "Township Rate," "Village Rate," "Town Rate," or "City Rate," as the case may be, the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the local municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately; and every such last mentioned rate shall be calculated separately, and the column therefor headed "*Special* Clerks of municipalities to make out collectors' rolls; their form, contents, etc.

Rate,"

Rate," "*Local Rate,*" "*Public School Rate,*" "*Separate School Rate,*" or "*Special Rate for School Debts,*" as the case may be. R. S. O. 1887, c. 193, s. 119.

Provincial taxes to be assessed and collected in same manner as local rates.

120. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate; and the clerk shall deliver the roll, certified under his hand, to the collector on or before the 1st day of October, or such other day as may be prescribed by a by-law of the local municipality. R. S. O. 1887, c. 193, s. 120.

Clerk to make out rolls of lands of non-residents whose names not in assessment rolls, etc.

121. The clerk of every local municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls; and he shall enter opposite to each lot or parcel, all the rates or taxes and percentages, if any, under section 53 hereof with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the county in which his municipality is situate, or to the treasurer of the city or town, as the case may be, on or before the 1st day of November. R.S.O. 1887, c. 193, s. 121; 54 V. c. 45, s. 3.

COLLECTORS AND THEIR DUTIES.

Duties of collectors.

122. The collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned. R. S. O. 1887, c. 193, s. 122.

Collectors to demand payment of rates

123.—(1) In cities and towns he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person; or he shall leave or cause to be left with the person taxed, or at his residence or domicile, or place of business, or upon the premises in respect of which the taxes are payable, a written or printed notice, specifying the amount of such taxes, and shall, at the time of such demand or notice, or immediately thereafter, enter the date thereof on his collection roll opposite the name of the person taxed, or cause the same to be so entered; and such entry shall be *prima facie* evidence of such demand or notice.

(2)

(2) In places other than cities and towns, he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, of if so empowered by by-law of the municipality he shall leave with the person taxed, or at his residence, or domicile, or place of business, a written or printed notice, specifying the amount of such taxes, and shall at the time of such demand or notice as the case may be, or immediately thereafter enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand or notice. R. S. O. 1887, c. 193, s. 123.

When payment is not made, collectors to levy the tax by distress and sale.

124.—(1) Subject to the provisions of section 53 of this Act, in case a person neglects to pay his taxes for fourteen days after such demand, or after notice served pursuant to such by-law as aforesaid, or, in the case of cities and towns, after such demand or notice as aforesaid, the collector may, by himself or by his agent, subject to the exemption provided for by sections 27 and 28 of *The Act respecting the Law of Landlord and Tenant*, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the county in which the local municipality lies, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*. R. S. O. 1887, c. 193, s. 124 (1); 52 V. c. 39, s. 8; 53 V. c. 54, s. 3.

Rev. Stat. c. 143.

Rev. Stat. c. 51.

Levy of taxes under warrant.

(2) If at any time after demand has been made, or notice served pursuant to such by-law, or, in the case of cities and towns, after demand has been made or notice served by the collector as aforesaid, and before the expiry of the time for payment of the taxes, the collector has good reason to believe that any party by whom taxes are payable, is about to remove his goods and chattels out of the municipality before such time has expired, and makes affidavit to that effect before the mayor or reeve of the municipality, or before any justice of the peace, such mayor, reeve or justice shall issue a warrant to the collector authorizing him to levy for the taxes and costs, in the manner provided by this Act, although the time for payment thereof may not have expired. and such collector may levy accordingly. R. S. O. 1887, c. 193, s. 124 (2); 52 V. c. 39, s. 9.

(3) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part. R. S. O. 1887, c. 193, s. 124 (3).

Proceedings in case of non-residents.

125. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by

such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter the date thereof on the roll, opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof, and the said statement and demand shall contain, written or printed on some part thereof, the name and post-office address of such collector. R. S. O. 1887, c. 193, s. 125.

When collectors may distrain for rates on non-residents' land.

126. In case of the land of non-residents, who have required their names to be entered on the roll, the collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been so transmitted by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof. R. S. O. 1887, c. 193, s. 126.

Public notice of sale to be given, and in what manner.

127. The collector shall, by advertisement posted up in at least three public places in the township, village or ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale, and of the name of the person whose property is to be sold; and, at the time named in the notice, the collector or his agents shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. R. S. O. 1887, c. 193, s. 127.

Surplus, if unclaimed, to be paid to party in whose possession the goods were;

128. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R. S. O. 1887, c. 193, s. 128.

or to admitted claimant.

129. If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. R. S. O. 1887, c. 193, s. 129.

When the right to such surplus contested.

130. If the claim is contested, such surplus money shall be paid over by the collector to the treasurer of the local municipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. R. S. O. 1887, c. 193, s. 130.

Recovery of taxes by action.

131. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local muni-

cipality

cipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the local municipality, shall be *prima facie* evidence of the debt. R. S. O. 1887, c. 193, s. 131. Evidence.

132. In towns, villages, and townships every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, as the council of the municipality may appoint, and shall pay over the amount payable to such treasurer, specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the treasurer that the date of the demand of payment and transmission of statement and demand of taxes, required by sections 123 and 125 in each case, has been truly stated by him in the roll. R. S. O. 1887, c. 193, s. 132. Collector to return his roll and pay over proceeds by the day to be appointed by Council.

133.—(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the council of the town, village or township may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with the powers provided by law for the general levy and collection of taxes. Other persons may be employed to collect taxes which Collector does not collect by a certain day.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. R. S. O. 1887, c. 193, s. 133.

134. The council of every city may, by by-law, fix the times for the return of the collector's rolls and any enlargements of the same. R. S. O. 1887, c. 193, s. 134. In cities the council may fix the time for return of collectors' rolls.

135. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector is not able to collect the same, he shall deliver to the treasurer of his municipality an account of all the taxes remaining due on the roll; and, in such account, the collector shall shew, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words *Non-Resident* or *Not sufficient property to distrain*, or *Instructed by Council not to collect*, as the case may be; and such collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year. R. S. O. 1887, c. 193, s. 135. Proceedings when taxes are unpaid, and cannot be collected.

136.

When thus not collected, collectors to be credited with amount.

136. Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized. R. S. O. 1887, c. 193, s. 136.

Taxes to be a lien upon land.

137. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege, or incumbrance of any party except the Crown, and shall not require registration to preserve it. R. S. O. 1887, c. 193, s. 137.

YEARLY LISTS OF LAND GRANTED BY THE CROWN.

Annual lists of lands granted, etc., to be furnished by Commissioner of Crown Lands.

138. The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every county a list of all the land within the county patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. R. S. O. 1887, c. 193, s. 138. *See also* R. S. O. 1887, c. 24, s. 36.

County treasurers to furnish copies of lists to clerks of municipalities.

139. The county treasurer shall furnish to the clerk of each local municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement shewing what lands in the said annual list are liable to assessment within such assessor's assessment district. R. S. O. 1887, c. 193, s. 139.

ARREARS OF TAXES.

Duties of Treasurers, Clerks and Assessors in relation thereto.

Lists of lands three years in arrears for taxes to be furnished to clerks.

140. The treasurer of every county shall furnish to the clerk of each municipality, except cities and towns, in the county, and the treasurer of every city and town shall furnish to the clerk of his municipality, a list of all the lands in his municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on or before the 1st day of February in every year, and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year* 18 ;" and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a collector's roll until some month in the year later than the month of January. R. S. O. 1887, c. 193, s. 140.

141.

Local clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

141. The clerk of the municipality is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the assessor or assessors of the municipality, in each year, as soon as such assessor or assessors are appointed, a copy of such list; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "*Occupied and Parties Notified*," or "*Not Occupied*," or "*Incorrectly Described*," as the case may be; and all such lists shall be signed by the assessor or assessors and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall file the same in his office for public use; and furnish forthwith to the county treasurer a true copy of the same, certified to by him under the seal of the corporation; and every such list, or copy thereof, shall be received in any Court as evidence, in any case arising concerning the assessment of such lands. R. S. O. 1887, c. 193, s. 141. *See* s. 204.

Lists to be evidence.

Assessor's certificate.

142. The assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.

R. S. O. 1887, c. 193, s. 142.

Local clerks to certify lands which have become occupied

143.—(1) The clerk of each municipality shall examine the assessment roll when returned by the assessor, and ascertain whether any lot embraced in the said list last received by him from the treasurer pursuant to section 140, is entered upon the roll of the year as then occupied, or is incorrectly described; and shall forthwith furnish to the said treasurer a list of the several parcels of land which appear on the resident roll as having become occupied, or which have been returned by the assessor as incorrectly described.

Return of taxes due to be made to treasurer.

(2) Except in the cases provided for by sections 52 and 54, on or before the 1st day of July in the then current year, the county treasurer shall return to the clerk of each local municipality other than a city or town, and every city or town treasurer shall return to the clerk of the city or town, an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section 157 of this Act.

(3)

Clerk to insert such amount on Collector's roll.

(3) The clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year; and such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll. R. S. O. 1887, c. 193, s. 143.

When there is not sufficient distress on such lands.

144. If there is not sufficient distress upon any of the occupied lands, in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well for the arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. R. S. O. 1887, c. 193, s. 144.

Statement of arrears to be returned by local Treasurer, and when.

145.—(1) The treasurer of every township and village shall, within fourteen days after the time appointed for the return and final settlement of the collector's roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

(2) Such return shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 141 of this Act, and generally such other information as the county treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year; and the county treasurer shall not be bound to receive any such statement after the 8th day of April in each year. R. S. O. 1887, c. 193, s. 145.

Liability of lands to sale i arrears are not paid, and when.

146. In case it is found by the statement directed by the last preceding section to be made to the county treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by section 143 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the county treasurer, under the provisions of section 160 of this Act, notwithstanding that the same may be occupied in the year when such sale takes place; and such arrears need not again be placed upon the collector's roll for collection. R. S. O. 1887, c. 193, s. 146.

Penalty on Clerks and Assessors neglecting duties under preceding sections.

147. If the clerk of any municipality neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 140, or to furnish copies of such lists, as required, to the assessor or assessors, or neglects to return to the treasurer a correct list of the lands

which

which have come to be occupied, as required by section 143 of this Act, and a statement of the balances which remain uncollected on any such lots, as required by section 144 of this Act; or if any assessor or assessors neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every officer making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the county in which such municipality is situated, be liable to the penalties imposed by sections 225, 226 and 227 of this Act; all fines so imposed shall be recoverable by distress and sale of any goods and chattels of the party making default. R. S. O. 1887, c. 193, s. 147.

How to be levied.

148.—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished the statement to the county treasurer, mentioned in section 145, arrears of taxes may be paid to such local treasurer; but after the said statement has been referred to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

After return of roll who to receive taxes.

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 205 of this Act. R. S. O. 1887, c. 193, s. 148.

After statement under sec. 145, collection of arrears to belong to County Treasurer only.

149. Any local municipality may, by by-law, remit, either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such municipality, specifying the particular lands upon which the remission is made; and, upon the passing of such by-law, it shall be the duty of the clerk forthwith to transmit a copy of the by-law to the treasurer or other officer having the collection of such arrears, who shall then collect only so much of the said taxes as are not remitted. R. S. O. 1887, c. 193, s. 149. *See* also s. 67.

Municipalities may remit taxes due on non-residents lands.

150. The treasurer shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder; and the treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrear for taxes, into as many parts as the necessities of the case may require. R. S. O. 1887, c. 193, s. 150.

The whole amount to be paid at once, unless the land is subdivided.

151.

If demanded, Treasurer to give a written statement of arrears.

151. The treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search and statement on each separate lot or parcel not exceeding four, and, for every additional ten lots, a further fee of twenty cents; but the treasurer shall not make any charge for search to any person who forthwith pays the taxes. R. S. O. 1887, c. 193, s. 151.

Lands on which taxes unpaid to be entered in certain books by Treasurer.

152. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R. S. O. 1887, c. 193, s. 152.

Municipalities united and afterwards disunited, etc.

153. If two or more local municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration, is situate. R. S. O. 1887, c. 193, s. 153.

Proceedings where any land is found not to have been assessed in any year.

154. If, at the yearly settlement to be made on the 1st day of May, it appears to the treasurer that any land liable to assessment has not been assessed, he shall report the same to the clerk of the municipality; thereupon, or if it comes to the knowledge of the clerk in any other manner that such land has not been assessed, the clerk shall, under the direction of the council, enter such land on the collector's roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year: and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor or assessors for the current year to value such lands; and it shall be the duty of the assessor or assessors to value such lands when required, and certify the valuation in writing to the clerk; and the owners of such lands shall have the right to appeal to the council at its next or some subsequent meeting after the taxes thereon have been demanded, but within fourteen days after such demand, which demand shall be made

How land to be valued.

Appeal from valuation.

before

before the 10th day of November; and the council shall hear and determine such appeal on some day not later than the 1st day of December. R. S. O. 1887, c. 193, s. 154.

Treasurer to correct errors.

155. The county treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of any municipality. R. S. O. 1887, c. 193, s. 155.

As to pretended receipts, etc.

156. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. R. S. O. 1887, c. 193, s. 156.

Ten per cent. to be added to arrears yearly.

157. If, at the balance to be made on the 1st day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due ten per centum thereon. R. S. O. 1887, c. 193, s. 157.

When there is distress upon lands of non-residents, Treasurer may authorize collector to levy.

158. Where the county treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in a township or village municipality, he may issue a warrant under his hand and seal to the collector of such municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in sections 124 to 130 inclusive of this Act, with respect to distresses made by collectors. R. S. O. 1887, c. 193, s. 158.

From what period unpatented lands shall be liable to taxation.

159. Unpatented land vested in or held by Her Majesty which may be hereafter sold, or agreed to be sold, to any person, or which may be located as a free grant, shall be liable to taxation from the date of such sale or grant; and any such land which had been already sold, or agreed to be sold, to any person, or had been located as a free grant, prior to the 1st day of January, 1863, shall be held to have been liable to taxation since the 1st day of January, 1863, and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or is or is not issued, and, in case of sale, or agreement for sale by the Crown, whether any payment has or has not been, or is or is not made thereon, and whether any part of the purchase money is or is not overdue and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such lands. R. S. O. 1887, c. 193, s. 159.

Rights of the Crown saved.

SALE OF LANDS FOR TAXES.

When lands to be sold for taxes.

160. Where a portion of the tax on any land has been due for and in the third year, or for more than three years preceding

ceding the current year, the treasurer of the county shall, unless otherwise directed by a by-law of the county council, submit to the warden of such county a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding him to levy upon the land for the arrears due thereon, with his costs. This section shall not apply to the Districts of Muskoka, and Parry Sound. R. S. O. 1887, c. 193, s. 160; 52 V. c. 17, s. 3.

Arrears due or three years to be levied by warrant of Warden to Treasurer.

Council may extend time for payment.

161. The council of a county, city or town, shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose. R. S. O. 1887 c. 193, s. 161.

Treasurer's duty on receiving warrant to sell.

162. It shall not be the duty of the treasurer to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. R. S. O. 1887, c. 193, s. 162.

What lands only the Treasurer shall sell.

163. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several municipalities in the month of January preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of section 143 of this Act, except the lands, the arrears for which had been placed on the collection roll of the preceding year, and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands. R. S. O. 1887, c. 193, s. 163.

County Treasurer to prepare list of lands to be sold and advertise in *Gazette*.

164.—(1) The county treasurer shall prepare a copy of the list of lands to be sold, required by section 160 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published within the county, and, in the case of a union of counties, in each county of the union, if there be one published in each county, and if not, in such county or counties of the union in which a newspaper is published, or, if none be so published, in some other newspaper published in some adjoining county.

(2)

(2) Where a junior county is separated from a union of counties after a return is made to the treasurer of the united counties of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of the united counties, or senior county, such treasurer shall return to the treasurer of the junior county a list of all the lands within the junior county returned as in arrear for taxes, and not advertised; and the treasurer and warden of the junior county shall have power respectively to take all the proceedings which treasurers and wardens, under this Act, can take for the sale and conveyance of lands in arrears for taxes ; but, in case the lands in such junior county have been advertised by the treasurer of the united counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place. R. S. O. 1887, c. 193, s. 164. Proceedings when lands in arrear for taxes in Junior County separated from Union of Counties.

165. The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes, on a day, and at a place named in the advertisement. R. S. O. 1887, c. 193, s. 165. Notice to be given in such advertisement.

166. The day of sale shall be more than ninety-one days after the first publication of the list. R. S. O. 1887, c. 193, s. 166. Time of sale.

167. The treasurer shall also post a notice similar to the said advertisement in some convenient and public place at the court house of the county, at least three weeks before the time of sale. R. S. O. 1887, c. 193, s. 167. Notice to be posted up.

168. The treasurer shall, in each case add to the arrears published, his commission or other lawful charges, and the costs of publication. R. S. O. 1887, c. 193, s. 168. Expenses added to arrears.

169. If, at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time. R. S. O. 1887, c. 193, s. 169. Adjourning sale, if no bidders.

170.—(1) If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale, and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first ; and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes due ; and the amount of taxes stated in the treasurer's advertisement shall, in all cases, be held to be the correct amount due. Mode in which the lands shall be sold by the Treasurer.

(2)

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the county treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the local municipality for the full amount of taxes paid.

Purchase by municipalities of land sold for taxes.

(3) If the council of the local municipality, in which the same shall be situate, desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the local municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such local municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired. R. S. O. 1887, c. 193, s. 170.

When Treasurer sells land the fee of which is in Crown, he shall only sell the interest of lessee, etc.

171. If the treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee, or locatee, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands. R. S. O. 1887, c. 193, s. 171.

Collection of taxes on lands purchased from the Crown.

171*a*. If the treasurer of a county, city, or town sells any interest in land of which the Crown, whether as represented by the Government of Canada or the Government of the Province of Ontario, is or was the mortgagee, or has any claim thereto on account of unpaid purchase money, he shall only sell the interest therein of the owner of the equity of redemption for the time being or of the purchaser, as the case may be, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden or mayor, and (whether so expressed or not), such conveyance shall in no wise affect the rights of the Crown in the said lands under the mortgage or otherwise, and such conveyance shall give the purchaser the same rights only in respect of the land as the owner of the equity of redemption or purchaser from the Crown enjoyed.

172. If the purchaser of any parcel of land fails immediately to pay to the treasurer the amount of the purchase money the treasurer shall forthwith again put up the property for sale. R. S. O. 1887, c. 193. s. 172. When purchaser fails to pay purchase money.

172*a*. To remove doubt it is hereby enacted that no sale of lands for taxes or for rates under a drainage by-law shall invalidate or in any way affect the collection of a rate assessed against or imposed or charged upon such lands prior to the date of the sale, but which shall accrue or become due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. 54 V.c.45,s.7. Sale of lands for taxes not to affect collection of other rates.

Certificate of Sale—Tax Deed.

173. The treasurer, after selling any land for taxes shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 170 and 171 of this Act, will be executed by the treasurer and warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed. R. S. O. 1887, c. 193, s. 173. Treasurer selling to give purchaser a certificate of land sold.

174.—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value. Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.

(2) The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. R. S. O. 1887, c. 193, s. 174. Proviso.

175. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser shall cease to have any further right in, or to the land in question. R. S. O. 1887, c. 193, s. 175. Effect of tender of arrears etc.

176. Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him, as aforesaid, except that where the taxes against any parcel of land are less than $10, the treasurer shall be entitled to charge in lieu of his commission, 25 cents. R. S. O. 1887, c. 193, s. 176. Treasurer's commission.

177.

Fees, etc., on sales of land.

177. Where land is sold by a treasurer, according to the provisions of section 164, and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. R. S. O. 1887, c. 193, s. 177.

Expenses of search in Registry Office for description, etc.

178. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground; and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, such surveyor's fee not to exceed $1; and the charge so incurred shall be included in the account and paid by the purchaser of the land sold, or the party redeeming the same. R. S. O. 1887, c. 193, s. 178.

Treasurer entitled to no other fees.

179. Except as before provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. R. S. O. 1887, c. 193, s. 179.

Owners may, within one year, redeem estate sold by paying purchase money and 10 per cent. thereon.

180. The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per centum thereon; and the treasurer shall give to the party paying such redemption money, a receipt stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption. R. S. O. 1887, c. 193, s. 180.

Deed of sale, if not redeemed.

181. If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of $1, the treasurer shall prepare and execute with the warden, and deliver to him or them, a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser. R. S. O. 1887, c. 193, s. 181.

Meaning of words Treasurer and Warden.

182. The words "treasurer" and "warden" in the preceding section shall mean the persons who at the time of the exe-

cution

cution of the deed in such section mentioned hold the said offices. R. S. O. 1887, c. 193, s. 182.

Contents of deed and effect thereof.

183. The deed shall be in the form, or to the same effect as in Schedule K to this Act, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section 178 of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold ; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as " patented " or " unpatented" or " held under a license of occupation." R. S. O. 1887, c. 193, s. 183.

Deed to be registered within eighteen months to obtain priority.

184.—(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under the sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed from the warden and treasurer. *See* R.S.O. 1887, c. 114, s. 78.

Registration of deeds.

(2) The registrar or deputy registrar upon production of the duplicate deed, shall enter the same in the registry book, and give a certificate of such entry and registration in accordance with *The Registry Act*. R. S. O. 1887, c. 193, s. 184.

Rev. Stat. c. 114.

On what certificate Registrars to register Sheriff's deeds of lands sold for taxes before 1851.

185. As respects land sold for taxes before the 1st day of January, 1851, on the receipt by the registrar of the proper county or place, of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators or assigns, such registrar shall register any sheriff's deed of land sold for taxes before the 1st day of January, 1851 ; and the mode of such registry shall be the entering on record a transcript of such deed or conveyance. R. S. O. 1887, c. 193, s. 185.

Sheriff to give certificate of execution of conveyances since January 1st, 1851, and before 1st January, 1866, for registration.

186. As respects land sold for taxes since the 1st day of January, 1851, and prior to the 1st of January, 1866, the sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned ; and such certificate, for the purpose of registration in the registry office of the proper

registry

registry division of any deed of lands so sold for taxes, shall be deemed a memorial thereof; and the deed shall be registered, and a certificate of the registry thereof shall be granted by the registrar, on production to him of the deed and certificate, without further proof; and the registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. R. S. O. 1887, c. 193, s. 186.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

187. The treasurer shall enter in a book, which the county council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collectors' rolls and other documents relating to non-resident lands, be by him kept among the records of the county. R. S. O. 1887, c. 193, s. 187.

Deed to be binding on all if land not redeemed in one year.

188. If any tax in respect of any lands sold by the treasurer, in pursuance of and under the authority of the Assessment Act of 1869, or of chapter 180 of the Revised Statutes 1877, or of chapter 193 of the Revised Statutes 1887, or of this Act, has been due for the third year or more years preceding the sale thereof, and the same is not redeemed in one year after the said sale, such sale and the official deed to the purchaser of any such lands (provided the sale be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them—it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of three years, or redeem the same within one year after the treasurer's sale thereof. R. S. O. 1887, c. 193, s. 188.

Deed valid against all parties, if not questioned within a certain time.

189. Whenever lands are sold for arrears of taxes, and the treasurer has given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold within two years from the time of sale. R. S. O. 1887, c. 193, s. 189.

Certain Treasurer's deeds not to be invalid, if the sale is valid.

190. In all cases where lands have been validly sold for taxes, the conveyance by the treasurer who made the sale, or his successors in office, shall not be invalid by reason of the statute under the authority whereof the sale was made having been repealed at and before the time of such conveyance, or by reason of the treasurer who made the sale having gone out of office. R. S. O. 1887, c. 193, s. 190.

Rights of entry adverse to tax-purchaser.

191. In all cases where lands are sold for arrears of taxes, whether such sale is or is not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such

sale,

sale, section 9 of *The Act respecting the Law and Transfer of Property* shall not apply, to the end and intent that in such cases the right or title of persons claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. R. S. O. 1887, c. 193, s. 191.

Rev. Stat. c. 100, s. 9.

Common Law and 32 H. viii. c. 9, ss. 2, 4 & 6, revived.

192—(1) In all cases (not being within any of the exceptions and provisions of sub-section 3 to this section), where lands having been legally liable to be assessed for taxes, are sold as for arrears of taxes, and such sale or the conveyance consequent thereon is invalid by reason of uncertain and insufficient designation or description of the lands assessed, sold or conveyed, and the right or title of the tax purchaser is not valid, and the tax purchaser has entered on the lands so liable to assessment or any part thereof, and has improved the same, then in case an action for the recovery of the lands is brought against such tax purchaser and he is liable to be ejected by reason of the invalidity of such sale or conveyance, the Judge before whom the action is tried shall direct the jury to assess, or shall himself (if the case be tried without a jury), assess damages for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid in respect of the lands since the sale by the tax purchaser and interest thereon, and of any loss to be sustained in consequence of any improvements made before the commencement of the action by the defendant, and all persons through or under whom he claims, less all just allowances for the net value of any timber sold off the lands, and all other just allowances to the plaintiff, and shall assess the value of the land to be recovered.

Incorrect description of land in conveyance to tax purchaser.

(2) If a verdict is found for the plaintiff, no writ of possession shall issue until the plaintiff has paid into Court for the defendant the amount of such damages; or, if the defendant desires to retain the land, he may retain it, on paying into Court, on or before the fourth day of the ensuing sittings, or on or before any subsequent day to be appointed by the Court, the value of the land as assessed at the trial; after which payment, no writ of possession shall issue, but the plaintiff on filing in Court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in.

The plaintiff to pay damages into court before writ of possession issues or tax purchaser may elect, to retain the land on paying its value.

(3) This section shall not apply in the following cases:

When section not to apply.

(*a*) If the taxes for non-payment whereof the lands were sold have been fully paid before the sale;

if taxes paid before sale;

(*b*) If, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to redemption of the lands;

if land redeemed;

In cases of fraud.

(*c*) Where on the ground of fraud or evil practice by the purchaser at such sale, a Court would grant equitable relief. R. S. O. 1887, c. 193, s. 192.

When the plaintiff is not tenant in fee, the value of the land to be paid into Court.

193—(1) In any of the cases named in the preceding section wherein the plaintiff is not tenant in fee simple, or fee tail, the payment into Court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the High Court and the plaintiff and all parties entitled to and interested in the said lands, as against the purchaser at such sale for taxes, on filing in the High Court, a sufficient release and conveyance to the defendant of their respective rights and interests to the land, shall be entitled to the money so paid in such proportions and shares as to the High Court, regarding the interests of the various parties, seems proper.

When the defendant is not tenant in fee, the value of improvements, etc., to be paid into Court.

(2) In any of such cases wherein the defendant is not tenant in fee simple or fee tail, then the payment of damages into Court to be made as aforesaid by the plaintiff shall be into the High Court. R. S. O. 1887, c. 193, s. 193.

Any other person interested may pay in value assessed if defendant does not.

194—(1) If the defendant does not pay into Court, the value of the land assessed as aforesaid, on or before the fourth day of the said sittings, or on or before such subsequent day as may be appointed by the Court, then any other person interested in the lands under the sale or conveyance for taxes may, before the end of the said sittings, or before the expiry of ninety days from any subsequent day to be appointed by the Court for payment by the defendant, pay into Court the said value of the lands; and till the expiration of the time within which such payment may be made, and after such payment, no writ of posession shall issue.

The payer to have a lien for such proportion as exceeds his interest.

(2) The defendant, or other person so paying in shall be entitled as against all others interested in the lands under the sale or conveyance for taxes, to a lien on the lands for such amount as exceeds the proportionate value of his interest in the lands, enforceable in such manner and in such shares and proportions as to the High Court, regarding the interests of the various parties, and on hearing the parties, seems fit. R. S. O. 1887, c. 193, s. 194.

How the owner can obtain the value of the land paid in.

195. In case the defendant or any other person interested, pays into Court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in Court a sufficient release and conveyance to the party so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such party, to secure his lien as aforesaid. R. S. O. 1887, c. 193, s. 195.

How the value of improvements, etc., paid in can be obtained.

196. If the said value of the lands is not paid into Court as above provided, then the amount of the damages paid into the High Court shall be paid out to the various persons,

who,

who, if the sale for taxes were valid would be entitled to the lands, in such shares and proportions as to the High Court, regarding the interests of the various parties, seems fit. R.S.O. 1887, c. 193, s. 196.

Provision as to costs in cases where value of the land and improvements, etc., only in question.

197.—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named on the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession would surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff; and if the jury, or the Judge, if there be no jury, before whom the action is tried, assess damages for the defendant as provided in the next preceding five sections, and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or obtain damages, the Judge before whom the action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

(2) If on the trial it is found that such notice was not given as aforesaid, or if the Judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the said land), that the value of the land is greater than the amount mentioned in the said notice, or that he has omitted to pay into Court the amount mentioned in the said notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land mentioned in such notice, then in such case the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; and upon the trial of any cause after such notice, no evidence shall be required to be produced in proof of the title of the plaintiff. R. S. O. 1887, c. 193, s. 197.

Tax purchaser without other remedy whose title is invalid to have a lien on the land for purchase money, etc.

198. In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at such sale, and interest thereon at the rate of ten per centum per annum, and for the amount of all taxes paid by him or them since such sale and interest thereon

at

at the rate aforesaid, to be enforced against the lands in such proportions as regards the various owners, and in such manner as the High Court thinks proper. R. S. O. 1887, c. 193, s. 198.

Contracts between tax-purchaser and original owner continued.

199. No valid contract entered into between any tax purchaser and original owner, in regard to any lands sold or assumed to have been sold for arrears of taxes, as to purchase, lease, or otherwise, shall be annulled or interfered with by this Act, but such contract shall remain in force, and all consequences thereof, as to admission of title or otherwise, as if this Act had not been passed. R. S. O. 1887, c. 193, s. 199.

Sections 190-199, not to apply where the owner has occupied since sale.

200. Nothing in the next preceding ten sections of this Act contained shall affect the right or title of the owner of any lands sold as for arrears of taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the same have since the sale been in the occupation of such owner, or of those claiming through or under him. R. S. O. 1887, c. 193, s. 200.

Other Acts remedial to purchasers continued.

201. Nothing in the next preceding eleven sections of this Act contained shall prejudice the right or title which any purchaser at any sale for taxes, or any one claiming through or under him, has heretofore acquired or hereafter acquires under any other statute. R. S. O. 1887, c. 193, s. 201.

Construction of "Tax-purchaser," "Original owner."

202. In the construction of the next preceding twelve sections of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sales of lands for taxes in arrear, and shall include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who, at the time of such sale, was legally interested in or entitled to the land sold, or assumed to be sold, and all persons claiming through or under him. R. S. O. 1887, c. 193, s. 202.

DEFICIENCY FROM NON-PAYMENT OF CERTAIN TAXES PROVIDED FOR.

Deficiencies in certain taxes to be supplied by local municipality.

203. Every local municipal council, in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the funds of the municipality, any deficiency arising from the non-payment of the tax, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect, the taxes on personal property other than for county rates. R. S. O. 1887, c. 193, s. 203.

ARREARS OF TAXES IN CITIES AND TOWNS.

Collection of arrears of taxes in cities and towns.

204. In cities and towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities; and for such purposes the municipal officers of cities and towns shall perform the same duties as the like officers in other municipalities; and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively. R. S. O. 1887, c. 193, s. 204. *See* sec. 141.

County treasurers, etc., to keep triplicate blank receipt books.

Audit of books, etc.

205. The treasurer of every county, city and town shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the county, city or town clerk the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the county, city or town clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months. R. S. O. 1887, c. 193, s. 205.

ARREARS OF TAXES IN NEW MUNICIPALITIES.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer.

206. Upon the incorporation of any new town, in any county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situate in the newly incorporated town, and transmit the same to the treasurer of the town, who, after receipt of the said list, shall have, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in such list the county treasurer shall not include any lot then advertised for sale for taxes. R. S. O. 1887, c. 193, s. 206.

Arrears of taxes, how collected where new municipality formed.

207. In cases where a new local municipality is formed partly from two or more municipalities situate in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if the new municipality is a town, by the treasurer of such town; and for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached, shall immediately upon the formation

thereof,

thereof, make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the county in which the new municipality is situate, or of the town (as the case may be); and where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. R. S. O. 1887, c. 193, s. 207.

Who may take proceedings to enforce collection.

208. The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, shall have power, respectively, to take for the collection of such arrears of taxes all the proceedings which treasurers and wardens, or treasurers and mayors can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed. R. S. O. 1887, c. 193, s. 208.

Proceedings where return made to treasurer before separation.

209. Where a municipality or part of a municipality has been or may be hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged, of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and warden of the county to which the territory belongs shall have power respectively to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. R. S. O. 1887, c. 193, s. 209.

NON-RESIDENT LAND FUND.

The Non-resident Land Fund.

210.—(1) The council may, by by-law, direct that all the moneys received by the county treasurer, on account of taxes on non-resident lands, shall be paid at stated periods to the several local municipalities to which such taxes were due, or that they shall constitute a distinct and separate fund to be called the "Non-Resident Land Fund" of the county.

If no such by-law.

(2) In the absence of such by-law, the county treasurer shall pay over to the local treasurer all such moneys when so collected. R. S. O. 1887, c. 193, s. 210.

211. The treasurer shall, when such fund has been created, open an account for each local municipality with the said fund. R. S. O. 1887, c. 193, s. 211. Treasurer to open an account therefor

212. If a union of counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the provisional council of the junior county, shall be returned to and collected by the treasurer of the united counties, and not by the provisional treasurer; and the treasurer of the united counties shall open an account forthwith for the junior county with the non-resident land fund. R. S. O. 1887, c. 193, s. 212, When any union about to be dissolved.

213. In cases where a new county has been or shall be formed in whole or in part from two or more municipalities situate in different counties the collection of non-resident taxes due at the time of formation in respect of lands situate in the new county which have not been advertised for sale shall be made by the treasurer of the new county; and for the purpose of enabling him to make such collection, the treasurers of the other counties formerly having jurisdiction over the respective portions of territory included in the new county shall make out lists of the non-resident taxes then due in their respective portions and transmit the same to the treasurer of the new county. R. S. O. 1887, c. 193, s. 213. Collection of taxes in new municipalities.

214. All sums which may at any time be paid to a municipality out of the non-resident land fund of the county, shall form part of the general funds of such municipality. R. S. O. 1887, c. 193, s. 214. Money from Non-resident Land Fund, how appropriated.

215. The council of the county may, from time to time, by by-law, authorize the warden to issue, under the corporate seal, upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof and for sums not less than $100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands, or otherwise invested to the credit of the said fund; and all debentures issued by the county shall be in the exclusive custody of the treasurer, who shall be responsible for their safety until their proceeds are deposited with him. R. S. O. 1887, c. 193, s. 215. Debentures may be issued on the credit of Non-resident Land Fund. Who to have charge of them.

216. Such debentures shall be negotiated by the warden and treasurer of the county, and the proceeds shall be paid into the said fund, and the interest on the said debentures, and the principal when due, shall be payable out of such fund: but the purchaser of any such debentures shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof. R. S. O. 1887, c. 193, s. 216. By whom to be negotiated. Proviso.

217.

Provision for payment of such debentures.

217. If at any time there is not in the non-resident land fund, where such fund has been created, money sufficient to pay the interest upon a debenture or to redeem the same when due, such interest or debenture shall be payable out of the general county funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other county debentures. R. S. O. 1887, c. 193, s. 217.

Surplus of the Non-resident Land Fund to be divided among municipalities.

218. The council of the county may from time to time pass by-laws apportioning the surplus moneys in the non-resident land fund amongst the municipalities ratably, according to the moneys received and arrears due on account of the non-resident lands in each municipality; but such apportionment shall always be so limited that the debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund. R. S. O. 1887, c. 193, s. 218.

Treasurer's percentage.

219. The treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof as the county council by by-law may direct. R. S. O. 1887, c. 193, s. 219.

Annual statements of fund to be submitted to councils.

220. The county treasurer shall prepare and submit to the county council, at its first session in January in each year, a report, certified by the auditors, of the state of the non-resident land fund. R. S. O. 1887, c. 193, s. 220.

What it shall shew.

221.—(1) The report shall contain an account of all the moneys received and expended during the year ending on the 31st day of December next preceding, distinguishing the sums received on account of, and paid to, the several municipalities, and received and paid on account of interest or debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due, distinguishing those due in every municipality; and the amount due on lands then advertised for sale, or which by law may be advertised, during the ensuing year.

Copy to be transmitted to Provincial Secretary.

(2) The warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Lieutenant-Governor. R. S. O. 1887, c. 193, s. 221.

ALL ARREARS TO FORM ONE CHARGE ON THE LAND.

All arrears to form one charge upon lands.

222. The treasurer of the county shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R. S. O. 1887, c. 193, s. 222.

RESPONSIBILITY OF OFFICERS.

Security by treasurers and collectors.

223. Every treasurer and collector, before entering on the duties of his office, shall enter into a bond to the corporation of the municipality for the faithful performance of his duties. R. S. O. 1887, c. 193, s. 223.

Bond with sureties.

224. Such bond shall be given by the officer and two or more sufficient sureties, in such sum and in such manner as the council of the municipality by any by-law in that behalf requires and shall conform to all the provisions of such by-law. R. S. O. 1887, c. 193, s. 224.

Penalty on assessors or clerks failing to perform their duty, and how enforced.

225. If any treasurer, assessor, clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is treasurer, assessor, clerk or other officer, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding $100. R. S. O. 1887, c. 193, s. 225.

Other assessors may act for those in default.

226. If an assessor neglects or omits to perform his duties, the other assessor, or other assessors (if there be more than one for the same locality), or one of such assessors, shall, until a new appointment, perform the duties, and shall certify upon his or their assessment roll the name of the delinquent assessor, and also, if he or they know it, the cause of the delinquency; and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office. R. S. O. 1887, c. 193, s. 226.

Punishment of Clerks, Assessors, etc., making fraudulent assessments, etc.

227. If any clerk, treasurer, assessor or collector, acting under this Act, makes an unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding $200, and to imprisonment until the fine is paid, in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. R.S.O. 1887, c. 193, s. 227.

What shall be evidence of fraudulent assessments.

228. Proof, to the satisfaction of the jury, that any real property was assessed by the assessor at an actual value greater or less than its true actual value by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent. R. S. O. 1887, c. 193, s. 228.

229.

Punishment of culpable assessors.

229. An assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both by fine and imprisonment, allowed by this Act. R. S. O. 1887, c. 193, s. 229.

Penalty for not making and completing assessment rolls by the proper time.

Rev. Stat. c. 52.

230. With reference to *The Jurors' Act*, if any assessor of any township, village or ward, except in the cases provided for by sections 52 and 54 of this Act, neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll, on or before the 1st day of September of the year for which he is assessor, every such assessor so offending shall forfeit for every such offence the sum of $200, one moiety thereof to the use of the municipality and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction; but nothing herein contained shall be construed to relieve any assessor from the obligation of returning his assessment roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly. R. S. O. 1887, c. 193, s. 230. *See also* R. S. O. 1887, c. 52.

Not to impair any other liability.

Proceedings for compelling collectors to pay over moneys collected to the proper treasurer.

231. If a collector refuses or neglects to pay to the proper treasurer, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county or city (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. R. S. O. 1887, c. 193, s. 231.

Warrant to be delivered to Sheriff, etc.

232. The treasurer shall immediately deliver the warrant to the sheriff of the county, as the case may require. R. S. O. 1887, c. 193, s. 232.

Sheriff, etc. to execute it, and pay money levied.

233. The sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record. R. S. O. 1887, c. 193, s. 233.

Mode of compelling Sheriff etc., to pay over.

234. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any re-

turn

turn, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the High Court, or to a Judge thereof, for an order nisi or summons calling on the sheriff to answer the matter of the affidavit. R. S. O. 1887, c. 193, s. 234.

When returnable.

235. The order nisi or summons shall be returnable at such time as the Court or Judge directs. R. S. O. 1887, c. 193, s. 235.

Hearing on return.

236. Upon the return of the order nisi or summons, the Court or a Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matters of the application. R. S. O. 1887, c. 193, s. 236.

Fi. Fa. to the coroner to levy the money.

237. If the Court or Judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the Court or Judge shall order the proper officer of the Court to issue a writ of *fieri facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. R. S. O. 1887, c. 193, s. 237.

Tenor of such writ.

Execution thereof.

Fees.

238. The writ shall direct the coroner to levy of the goods and chattels of the sheriff, the sum which the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution; and the writ shall bear date on the day of its issue, and shall be returnable forthwith on its being executed; and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court R. S. O. 1887, c. 193, s. 238.

Penalty on Sheriff if no other imposed.

239. If a sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of $200, to be recovered from him in any Court of competent jurisdiction at the suit of the treasurer of the county, city or town. R. S. O. 1887, c. 193, s. 239.

Payment of money collected for the Province.

240. All money assessed, levied and collected for the purpose of being paid to the Treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over, to the same persons, in the same manner, and at the same time, as taxes imposed on the same property for county, city or town purposes, and shall be deemed and taken to be moneys collected for the county, city or town, so far as to charge every collector, or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in

regard

regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the county, city or town. R. S. O. 1887, c. 193, s. 240.

How money collected for county purposes to be paid over.

241. All moneys collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer; and the corporation of the township, town or village shall be responsible therefor to the corporation of the county. R. S. O. 1887, c. 193, s. 241.

Collectors or treasurers bound to account for all moneys collected by them.

242. Any bond or security given by the collector or treasurer to the corporation of the township, town or village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received for county purposes, or for any of the purposes mentioned in section 240. R. S. O. 1887, c. 193, s. 242.

Local treasurer to pay over county moneys to county treasurers.

243. The treasurer of every township, town or village shall, within fourteen days after the time appointed for the final settlement of the collector's rolls, pay over to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes, or for any of the purposes mentioned in section 240 of this Act. R. S. O. 1887, c. 193, s. 243.

Mode of enforcing such payment.

244. If default be made in such payment, the county treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or where the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount so due with interest and costs from the municipality in default. R. S. O. 1887, c. 193, s. 244.

Warrant to sheriff.

How the sheriff to levy. Rev. Stat. c. 184.

245. The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs in the same manner as is provided by *The Municipal Act* in case of writs of execution. R. S. O. 1887, c. 193, s. 245.

Treasurer, etc., to account for and pay over Crown moneys.

246. The county, city or town treasurer shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 240 of this Act, and shall pay over such moneys to the Treasurer of the Province. R. S. O. 1887, c. 193, s. 246.

Municipality responsible for such moneys.

247. Every county, city and town shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for according to law. R. S. O. 1887, c. 193, s. 247.

Treasurer, etc., responsible to County, etc.

Bonds to apply.

248. The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the county, city or town; and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the county, city or town, shall be taken to apply to all such moneys as are mentioned in section 240, and may be enforced against the treasurer or his sureties, in case of default on his part. R. S. O. 1887, c. 193. s. 248.

Bonds to apply to school moneys, etc.

249. The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money which would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. R. S. O. 1887, c. 193, s. 249.

City, etc., responsible for default of Treasurer, etc.

250. Any person aggrieved by the default of the treasurer may recover from the corporation of the county, city or town, the amount due or payable to such person as money had and received to his use. R. S. O. 1887, c. 193, s. 250.

MISCELLANEOUS.

Penalty for tearing down notices, etc.

251. If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, city or town, be liable to a fine of $20, and, in default of payment, or for want of sufficient distress, to imprisonment not exceeding twenty days. R. S. O. 1887, c. 193, s. 251.

Recovery of fines and forfeitures hereby imposed.

252. The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the county, city or town; and, in default of sufficient distress, the offender shall be committed to the common gaol of the county, and be there kept at hard labour for a period not exceeding one month. R. S. O. 1887, c. 193, s. 252.

Application penalties.

253. When not otherwise provided all penalties recovered under this Act shall be paid to the treasurer to the use of the municipality. R. S. O. 1887, c. 193, s. 253.

254.

Inconsistent enactments repealed.

254. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

255. Notwithstanding the Act of the present session, entitled *The Assessment Amendment Act, 1892*, sections 1, 2, 3, 4, 5 and 10 thereof in said Act, or where they appear and are consolidated herein shall not come into force until the 1st day of August next. In case of any conflict between any provision in this Act and any provision of the said *Assessment Amendment Act, 1892*, the inconsistent provision in the latter Act shall be deemed to be repealed by this Act and to be not in force.

SCHEDULE A.

(*Section 3.*)

FORM OF NOTICE BY NON-RESIDENT OWNER OF LAND REQUIRING TO BE ASSESSED THEREFOR.

To the Clerk of the Municipality of .

Take notice, that I (*or* we) own the land hereunder mentioned, and require to be assessed, and have my name (*or* our names) entered on the Assessment Roll of the Municipality of (*or* Ward of the Municipality of) therefor.

That my (*or* our) full name (*or* names), place of residence and Post Office address, are as follows :

A. B., of the Township of York, shoemaker, Weston Post Office (*as the case may be*). Description of land (*here give such description as will readily lead to the identification of the land*).

Dated the day of , 18 .

C. D.

Witness, *G. H.*

R. S. O. 1887, c. 193, *Sched.* A.

SCHEDULE

SCHEDULE B.

(*Sections* 47 *and* 47a.)

TOWNSHIP OF (*or* CITY, TOWN OR VILLAGE) OF

STREET, SIDE.

Names and Description of Persons Assessed.					Description and Value of Real Property.					Personal Property and Taxable Income.			Aggregate Value of all Property.	Statute Labour.	Dogs	Statistics.											Date of delivery of Notice under Section 47.	Number of Steamboilers, for driving machinery or for any manufacturing purpose with the name of owner and purpose for which same is used.
	3	4	5	6	7		9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Number on roll.																															
Name and Post Office address of taxable party.																															
Occupation.																															
Freeh'r, Manh'd Franchise, tenant, or farmer's son.																															
Age of assessed party.																															
Name and address of owner when person named in column two is not the owner.																															
Non-resident.																															
School section, P. (Public School); S. (Separate Sch).																															
Concession, street, square, or other designation.																															
Number of Lot, house, etc.																															
Number of acres, feet, etc.																															
Number of acres cleared in townships. Vacant or built on, in cities towns and villages.																															
Value of each parcel of real property.																															
Total value of real property.																															
Value of personal property other than income.																															
Taxable income.																															
Total value of personal property and taxable income.																															
Total value of real and personal property and taxable income.																															
Number of persons from 21 to 60 years old.																															
Total number of days' labour.																															
Dogs.																															
Bitches.																															
Number of persons in family of person rated as resident.																															
Religion.																															
Number of cattle.																															
Number of sheep.																															
Number of hogs.																															
Number of horses.																															
Birth.*																															
Death.*																															
Registered.*																															
Acres of woodland.																															
Acres of swamp, marsh or waste land.																															
Acres of orchard and garden																															
Number of acres under fall wheat.																															

*Columns 26-28 apply to townships, towns and villages only.

Take notice that you are assessed as above specified, for the year 18 . If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (*or* Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of (*insert date on which the Assessment Roll was returned*), and your complaint shall be tried by the Court of Revision for the Municipality of

(ENDORSED.)

SIR,—Take notice that I intend to appeal against this assessment, for the following reasons :

I am, Sir, your obedient servant,

A. B.,
Township Clerk
or Assessment Commissioner.

R. S. O. 1887, c. 193, Sched. B; 51 V. c. 4, s.11; (1,2), 51 V. c. 29, ss. 4, 11 (3).

NOTE.—See sec. 47*a* in the case of a Municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto.

SCHEDULE C.

(*Section* 64, *sub-section* 14.)

FORM OF DECLARATION BY PARTY COMPLAINING IN PERSON OF OVERCHARGE ON PERSONAL PROPERTY :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession, or calling*), do solemnly declare that the true value of all the personal property assessable against me (*or as the case may be*), as trustee, guardian or executor, etc., without deducting any debts due by me in respect thereof, is [*In case debts are owed in respect of such property; add* that I am indebted on account of such personal property in the sum of]; and that the true amount for which I am liable to be rated and assessed in respect of personal property, other than income, is

R. S. O. 1887, c. 193, *Sched.* C.

SCHEDULE D.

(*Section* 64, *sub-section* 14.)

FORM OF DECLARATION OF PARTY COMPLAINING IN PERSON] OF OVERCHARGE ON ACCOUNT OF TAXABLE INCOME :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that my gross income, derived from all sources not exempt by law from taxation, is

R. S. O. 1887, c. 193, *Sched.* D.

SCHEDULE E.

(*Section* 64, *sub-section* 14.)

FORM OF DECLARATION BY PARTY COMPLAINING OF OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that the true value of my personal property, other than income, is
[*if there are debts, add:* that I am indebted on account of such personal property in the sum of ;] that my gross income derived from all sources, not exempt by law from taxation, is ; and that the full amount for which I am by law justly assessable, in respect to both personal property and income, is

R. S. O. 1887, c. 193, *Sched.* E.

SCHEDULE

SCHEDULE F.

(*Section* 64, *sub-section* 14.)

FORM OF DECLARATION BY AGENT OF A PARTY COMPLAINING OF OVER CHARGE ON PERSONAL PROPERTY :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*) agent for *C. D.* (*set out name in full with place of residence and calling of person assessed*), do solemnly declare that the true value of all the personal property assessable against the said *C. D.* (*or, as the case may be*), as trustee, guardian, or executor, etc., is [*In case there are debts in regard to the property, add:* The said *C. D.* is indebted on account of such personal property in the sum of and that the true amount for which the said *C. D.* is liable to be rated and assessed in respect of personal property other than income is ; and that I have the means of knowing, and do know, the extent and value of the said *C. D.*'s personal property and debts in respect thereof.

A. B.

R. S. O. 1887, c. 193, *Sched.* F.

SCHEDULE G.

(*Section* 64, *sub-section* 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF OVER-CHARGE ON TAXABLE INCOME :

I, *A. B.* (*set out name in full, and place of residence, business, trade, profession or calling*), agent for *C. D.* (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the gross income of the said *C. D.*, derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing, and do know, the income of the said *C. D.*

R. S. O. 1887, c. 193, *Sched.* G.

SCHEDULE H.

(*Section* 64, *sub-section* 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF AN OVER-CHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), agent for *C. D.* (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the true value of the personal property of the said *C. D.*, other than income, is ; that the gross income of the said *C. D.*, derived from all sources not exempt by law from taxation, is

 and

and that the full amount for which the said *C. D.* is justly assessable, in respect of both personal property snd income is ,
[*If there are debts on account of the property, add:* That the said *C. D.* is indebted on account of such personal property in the sum of ;]
and that I have the means of knowing, and do know, the truth of the matters hereinbefore declared.

SCHEDULE K.

(*Section* 183.)

FORM OF TAX DEED.

To all to whom these Presents shall come:
We, , of the of , Esquire, Warden (*or*, Mayor), and of the of Esquire, Treasurer of the County (*or* City *or* Town) of , Send Greeting :

WHEREAS by virtue of a warrant under the hand of the Warden (*or* Mayor) and seal of the said County (*or* City *or* Town) bearing date the day of , in the year of our Lord one thousand eight hundred and , commanding the Treasurer of the said County (*or* City *or* Town) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (*or* City *or* Town) did, on the day of 18 , sell by public auction to , of the of , in the County of , that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the day of , in the year of our Lord one thousand eight hundred and , together with costs :

Now know ye, that we, the said and , as Warden (*or* Mayor) and Treasurer of the said County (*or* City *or* Town), in pursuance of such sale, and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said , his heirs and assigns, all that certain parcel or tract of land and premises containing , being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof, we, the said Warden (*or* Mayor) and Treasurer of the said County (*or* City *or* Town), have hereunto set our hands and affixed the seal of the said County (*or* City *or* Town), this day of in the year of our Lord one thousand eight hundred and ; and the Clerk of the County (*or* City *or* Town) Council has countersigned.

A. B., Warden (*or* Mayor). [Corporate Seal.]
C. D., Treasurer.

Countersigned,
E. F., Clerk.

R. S. O. 1887, c. 193, *Sched.* K.

SCHEDULE

SCHEDULE L.

(*Section* 14b.)

FORM 1.

FORM OF AFFIDAVIT BY PERSON CLAIMING TO BE PLACED ON THE ASSESSMENT ROLL AS A VOTER.

I, , make oath and say as follows :

I am a British subject (by birth or naturalization), and I have resided in this province for the nine months next preceding the day of in the present year (*the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll*),

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the assessor is making his roll*), and I have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence by the number thereof if any) and the street or locality whereon or wherein the same is situated, if in a city, town or village. If the residence is in a township, give the concession wherein, and the lot or part of lot whereon it is situated.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in the County of this day of 18 . } (*Signature of Voter.*)

Signature of J. P. etc.)

(*This oath may be taken before any Assessor or any Justice of the Peace Commissioner for taking Affidavits, or Notary Public.*)

FORM 2.

FORM OF AFFIDAVIT FOR SAME PURPOSE AS FORM 1.

But where the person has been temporarily absent from the municipality.

I, , make oath and say as follows :

I am a British subject (by birth, or naturalization) and I have resided in this province for the nine months next preceding the day of in the present year (*the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll*).

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the assessor is making his roll*) and have resided therein continuously from the said date, and I now

reside

reside therein at (*here give the deponent's residence by the number thereof, if any, and the street or locality whereon or wherein the same is situated if in a city, town or village. If the residence is in a township, give the concession wherein and the lot or part of lot whereon it is situated*).

And I have not been absent from this province during the said nine months except occasionally or temporarily in the prosecution of my occupation as (*mentioning, as the case may be, a lumberman, or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution if absent as student.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in the County of this day of 18 .
(*Signature of J. P. or Commissioner, etc.*)

(*Signature of Voter.*)

(*The Oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.*)

52 V. c. 5, s. 1. *Sched.* A. and B.

SCHEDULE M.

(*Section 14c.*)

CENSUS of all children between the ages of eight and fourteen in the (city, town, incorporated village or township, *as the case may be,*) of

Name of Child.	Age.	Parent or Guardian.	Residence.

54 V. c. 56, s. 11. *Sched.* A.

CHAPTER

CHAPTER 49.

The Assessment Amendment Act, 1892.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 23 of section 7 of *The Assessment Act* is amended by striking out the words "provided the same does not exceed $700," in the second line thereof, and substituting therefor the words "to the amount of $700." Rev. Stat. c. 193, sec. 7, sub-s. 23, amended.

2. Sub-section 24 of said section 7 is amended by striking out all after the first line thereof, and by adding the words "derived from any source other than personal earnings." Rev. Stat. c. 193, s. 7, sub-s. 24, amended.

3. The following shall be added as sub-section 24*a* of said section 7:— Rev. Stat. c. 193, s. 7, amended.

24*a*. Provided, nevertheless that no person shall be exempted for or in respect of income for a sum greater than $700, whether derived from personal earnings or from other sources of income, or from the two combined.

4. The said Act is hereby amended by inserting the following as section 7*a*. Rev. Stat. c. 193, amended.

7 (*a*)—(1) In any town or incorporated village in which there are lands held and used as farm lands only, and in blocks of not less than five acres by any one person, such lands shall be assessed as farm lands. Assessment of farm lands in towns and villages.

(2) When such lands are not benefited to as great an extent by the expenditure of moneys, for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or incorporated village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part or parts of the said lands so held and used as farm lands only, shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for water works, the making of sidewalks, the construction of sewers or the lighting and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements. Provided nevertheless that nothing in this sub-section contained shall exempt or relieve any lands therein mentioned from the general rate for the payment of any debenture debt contracted before the passing of this Act or that may be renewed in whole or in part. Exemption of farm lands in towns and villages from assessment for certain improvements. Proviso.

(3)

Person claiming exemption to notify council.

(3) Any person claiming such exemption in whole or in part shall notify the council of the municipality thereof within one month after the time fixed by law for the return of the assessment roll and shall by some intelligible description indicate the land and quantity as nearly as may be in respect of which exemption is claimed.

Appeals from by-law to county judge.

(4) Any person complaining that the said by-law does not exempt or sufficiently exempt him or his said farm lands from taxation as aforesaid, may within 14 days after the passing thereof notify the clerk of the municipality of the intention to appeal against the provision of such by-law or any of them, to the judge of the county court, who shall have full power to alter or vary any or all of the provisions of the said by-law, and determine the matter of complaint in accordance with the spirit and intent of the preceding sub-section and of this Act.

Procedure upon appeals to county judge

(5) The provisions of sub-section 3 of section 68, as amended by *The Assessment Amendment Act, 1890*, sub-sections 4, 5 and 6 of section 68, and sections 69, 70, 71, 72, 73 and 74 of this Act, and section 7 of *The Assessment Amendment Act, 1889*, relating to appeals from a court of revision to the county judge and the amendment of the assessment roll thereon, shall so far as applicable, regulate and govern the procedure to be followed upon appeals to the county judge under this section and the amendment of the by-law thereon.

Appeals to court of revision not affected.

(6) Nothing in the last two preceding sub-sections contained, shall be deemed to prevent or affect the right of appeal to the county judge from the decision of a court of revision upon any appeal against an assessment.

Rev. Stat. c. 193, s. 14, sub-s. 3, amended.

5.—(1) Sub-section 3 of section 14 of the said Act is amended by striking out the clause commencing "Column 2" and substituting the following therefor;—"Column 2,—Name (surname first), and post office address of taxable party."

(2) The said sub-section is further amended by adding at the end of the clause commencing "Column 8," the words, "Or residence, in the case of manhood suffrage voters.",

Rev. Stat. c. 193, s. 16, amended.

6. Section 16 of the said Act is amended by adding the following thereto ;—

"But when a married woman is assessed as owner, the name "of the husband shall also be entered upon the assessment "roll as an occupant."

Rev. Stat. c. 193, s. 28, amended.

7. Section 28 of the said Act is amended by adding thereto the following sub-section :—

(2) The owners or tenants of islands in the lakes not exceeding ten acres in extent and used with the houses erected thereon exclusively as summer resorts and upon which the owner or his tenants do not reside more than three months in the year and whereon no statute labour is done shall not be

rated

rated for statute labour nor shall the owner or tenant thereof be liable for the performance of statute labour or for the payment of commutation thereof for or in respect of such property.

53 V. c. 54, s. 1 amended.

8. Section 29*a* added to the said Act by section 1 of *The Assessment Amendment Act 1890*, is amended by inserting the words "not owned by any municipal corporation" after the word "roads," in the first line thereof.

53 V. c. 54, s. 1, amended.

9. Section 29*b* added to *The Assessment Act* by section 1 of *The Assessment Amendment Act 1890*, is amended by striking out the word "municipality" from the first line thereof and inserting the words "other than a municipal corporation" after the word "person" in the second line thereof.

Rev. Stat. c. 193, s. 31, repealed.

10. Section 31 of *The Assessment Act* is repealed, and the following substituted in lieu thereof :—

31. Subject to the provisions of section 8 no person deriving an income from any trade, calling, office, profession or other source whatsoever not declared exempt by this Act shall be assessed for a less sum as the amount of his net personal earnings or income during the year then last past than the excess of such earnings or income over and above the exemptions specified in sub-sections 23 and 24 and 24*a* of section 7 of this Act, and such last year's income in excess of such exempted sums shall be held to be his net personal property unless such person has other personal property liable to assessment, in which case such excess of income and other personal property shall be added together and constitute his personal property liable to assessment.

Rev. Stat. c. 193, s. 38, repealed.

11. Section 38 of the said Act is repealed and the following section substituted therefor :

Place for assessment of salaries, etc.

38. Every person who holds any appointment or office of emolument to which any salary, gratuity or other compensation is attached, or who is hired or regularly employed for wages, salary or other compensation, and performs the duties of such appointment or office, or the work in which he is so employed within a municipality in which he does not reside, shall be assessed in respect of such salary, gratuity, wages or other compensation at the place where he performs such duties or is so employed, and he shall not be assessable therefor at his place of residence, but if required shall procure a certificate of being otherwise assessed under the provisions of this section. But this section shall not apply to clergymen, county municipal officers, or to Government officers or officers of minor municipalities when the location of the office is fixed by law or regulation of the Government or municipality, but in such cases the salary, gratuity, wages or other compensation, shall be assessed against the incumbent of the office in the municipality wherein he resides.

12.

When assessment roll to be completed.

12. Section 49 of the said Act and sub-section 5 of section 11 of *The Assessment Amendment Act, 1888*, are hereby repealed and the following is substituted therefor:—

49. Subject to the provisions of sections 52 and 54 every assessor shall begin to make his roll in each year not later than the 15th day of February and shall complete the same on or before the 30th day of April and shall attach thereto the following affidavit or solemn declaration verified upon oath or solemn affirmation before the Clerk, a Justice of the Peace or a Commissioner in the form following:

Form of affidavit verifying roll.

I, (*name and residence*), make oath and say (*or* solemnly declare and affirm),

1. That I have set down in the above assessment roll all the real property liable to taxation, situate in the municipality (*or* ward) of (*as the case may be*), and the true actual value thereof in each case according to the best of my information and judgment;

2. That the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll and that I have estimated and set down the same according to the best of my information and belief;

3. That I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant, or freeholder or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit; or otherwise entitled by law to be so entered;

4. That according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either under this Act or *The Manhood Suffrage Act*, or of any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts; and I further say, that the date of delivery or transmitting the notice required by section 47 of this Act is in every case truly and correctly stated in the said roll;

5. I further say, that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid.

6. I further say, that I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote a right of voting; and that I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there.

Sworn (*or* solemnly declared and affirmed) before me at , of , in the county of , this day of A.D. 18 .

13. Section 50 of *The Assessment Act* is amended by striking out the words "certificates and" in the fourth line thereof. Rev. Stat. c. 193, s. 50, amended.

14. Section 58 of the said Act is amended by adding at the end thereof the words following:—"But no member of the court shall act as a member thereof when an appeal is being heard respecting any property in which he is directly or indirectly interested." Rev. Stat. c. 193, s. 58, amended.

15. Sub-section 15, of section 64 of the said Act is amended by inserting immediately after the word "accordingly," where it occurs in the fourth line thereof, the words following:—And the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed. Rev. Stat. c 193, s. 64, sub s. 15, amended.

16. Section 75 of the said Act is amended by inserting in lieu of the words "without delay" in the third line the words "within ninety days," and by inserting after the word "thereof" in the last line "under a penalty of not less than ten dollars and not more than twenty dollars." Rev. Stat. c. 193, s. 75, amended.

17. Section 79 of the said Act is amended by adding thereto as sub-section 9 the following words: Rev. Stat c. 193, s. 79 amended.

(9) The costs incurred in the prosecution and opposing of such appeal respectively, shall be borne and paid as directed by the County Judge or Court, as the case may be, and not otherwise, and shall be subject to taxation on the County Court scale by the clerk of the County Court of said County.

18. Sub-section 2 of section 123 of the said Act is amended by striking out all the words in the said sub-section after the word "person" in the fifth line thereof, and substituting in lieu thereof the following words: "or if so empowered by by-law of the municipality he shall leave with the person taxed or at his residence or domicile or place of business a written or printed notice specifying the amount Rev. Stat. c. 193, s. 123, sub-s. 2 amended.

of

of such taxes, and shall at the time of such demand or notice as the case may be, or immediately thereafter enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand or notice."

Rev. Stat. c. 193, s. 124, sub-s. 1, amended.

19.—(1) Sub-section 1 of section 124 of the said Act is amended by inserting therein after the word "demand" in the second line thereof the words, "or after notice served pursuant to such by-law as aforesaid."

Rev. Stat. 193, s. 124, sub-s. 2, amended.

(2) Sub-section 2 of said section 124 is amended by inserting therein after the word "made" in the first line thereof the words "or notice served pursuant to such by-law."

Rev. Stat. c. 193, s. 141, amended.

20. Section 141 of the said Act is amended by inserting therein after the word "occupied" in the fourteenth line thereof, the words, "or, incorrectly described," and by adding after the word "use" in the eighteenth line thereof, the words, "and furnish forthwith to the county treasurer a true copy of the same, certified to by him under the seal of the corporation."

Rev. Stat. c. 193, s. 146, amended.

21. Section 146 of the said Act is amended by inserting the word "need" in lieu of the word "shall" in the tenth line thereof.

Rev. Stat. c. 193, s. 151, amended.

22. Section 151 of the said Act is amended by inserting the words "and statement" immediately after the word "search" in the fourth line thereof.

Rev. Stat. c. 193, s. 163, amended.

23. Section 163 of the said Act is amended by substituting the word "January" for the word "February" in the third line thereof.

Rev. Stat. c. 193, s. 168, amended.

24. Section 168 of the said Act is amended by inserting after the word "commission" in the second line thereof the words "or other lawful charges."

Rev. Stat. c. 193, s. 176, amended.

25. Section 176 of the said Act is amended by adding at the end thereof the words "except that where the taxes against any parcel of land are less than $10, the treasurer shall be entitled to charge in lieu of his commission, 25 cents."

52 V. c. 40, s. 2, sub-s. 2 (*f*) amended.

26. Article (*f*) of sub-section 2 of section 2 of *The Franchise Assessment Act of 1889* is amended by adding thereto the words following: "and the initials "F" or "T," and the initials "M, F" where the party assessed has the necessary qualification shall be added in the proper column."

Persons disqualified to act as assessor or collector by crime.

27. No person attainted or convicted of any treason or felony, or convicted of any infamous crime, unless he has obtained a free pardon or served the term of imprisonment or

paid

paid the penalty imposed under the sentence, and no person who is under outlawry shall be qualified to act as assessor or collector.

Assessment of land purchased from the Crown.

28. Land purchased from the Crown, and which has been mortgaged to the Crown to secure the repayment of the purchase money or some part thereof, or which is subject to any claim of the Crown for unpaid purchase money, shall be assessed, and shall be declared to have been liable to be assessed to the extent of the interest of the owner for the time being of the equity of the redemption therein, or of the purchaser as the case may be, and this section shall apply to lands purchased from the Crown whether as represented by the Government of Canada, or as represented by the Government of this Province, and nothing herein contained shall be construed to derogate from or in any wise affect the interest of the Crown in such lands; provided that not more than six years past arrears of taxes shall be collectable hereunder and that no sale for non-payment of taxes which has taken place heretofore shall be rendered valid by this Act, but the taxes to the extent of six years if not satisfied shall be a charge on the land and payment thereof shall be enforced by sale as in other cases.

Collection of taxes on lands purchased from the Crown.

29. If the treasurer of a county, city or town, sells any interest in land of which the Crown, whether as represented by the Government of Canada or the Government of the Province of Ontario, is or was the mortgagee, or has any claim thereto on account of unpaid purchase money, he shall only sell the interest therein of the owner of the equity of redemption for the time being or the purchaser, as the case may be, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden or mayor, and (whether so expressed or not), such conveyance shall in no wise affect the rights of the Crown in the said lands under the mortgage or otherwise, and such conveyance shall give the purchaser the same rights only in respect of the land as the owner of the equity of redemption or purchaser from the Crown enjoyed.

This Act to be read as part of Rev. Stat. c. 193.

30. This Act shall be read with and as part of *The Assessment Act.*

CHAPTER

CHAPTER 50.

An Act respecting the Collection of Taxes in the District of Muskoka and Parry Sound.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

52 V., c. 17, amended.

1. Chapter 17 of the Acts passed in the 52nd year of Her Majesty's reign is amended by adding the following thereto as sections 5*a*, 5*b*, and 5*c*:—

Allowance to sheriffs for collection of taxes.

5*a*. The Judge of the District Court of Muskoka and Parry Sound may, by his order, in writing direct that the said sheriffs respectively shall retain out of the moneys collected by them in the performance of their duties, with respect to the collection of taxes under this Act, a sum over and above the two and one-half per cent. provided by section 176 of *The Assessment Act*, but such sum, including the said two and one-half per cent. is not to exceed the ten per centum, which under section 157 of *The Assessment Act* may be added to arrears of taxes on the 1st day of May in each year, and shall be actually received from the parties concerned by the sheriff under the provisions of the Act in that behalf.

Rev. Stat. c. 193.

Sheriffs to pay over amounts received half-yearly.

5*b*. The sheriffs', shall on the 1st day of June and December in each year, pay over to the treasurers of the respective municipalities all moneys collected by them prior to the said dates in respect of lands in arrears for taxes.

Audit of sheriffs books.

5*c*. The books and accounts of the said sheriffs shall be audited annually on or before the 30th day of September in each year by the District Attorney of Muskoka and Parry Sound.

CHAPTER 51.

An Act to amend The Liquor License Act.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Liquor License Amendment Act, 1892.*

2.

2. In future, members of municipal councils and constables shall be ineligible as bondsmen under sections 30 and 31 of *The Liquor License Act.* Constables and councillors ineligible as bondsmen.

3. Sub-section 1 of section 41 of *The Liquor License Act*, is amended by striking out item 6 of the schedule attached thereto, and substituting the following :— Rev. Stat. c. 194, s. 41, sub-s. 1, amended.

For every transfer or removal of a license in cities having a population of 100,000 and upwards	$50 00
For every transfer or removal of a license in other cities	25 00
For every transfer or removal of a license in other municipalities	10 00

Fees for transfers and removals.

4. Sub-section 3 of section 44 of the said Act, is amended by inserting the following after the word "municipality" in the 4th line thereof "to the extent provided by section 42." Rev. Stat. c. 194, s. 44, sub-s. 3, amended.

5. Sub-section 2 of section 51 of the said Act, is amended by striking out the last three lines thereof, and by inserting in lieu thereof the following :— Rev. Stat. c. 194, s. 51, sub-s. 2, amended.

"Provided that ale or beer, or lager beer may also be sold by sample, or in original packages, in any municipality of the Province by licensed brewers, to persons being holders of a license to sell under the said Act in any part of the said Province, but ale or beer other than lager beer is not to be sold, bartered or trafficked in by such licensed brewers in quantities less than ten gallons, wine measure, in each cask at any one time, or lager beer in quantities less than four gallons in each cask, wine measure, at any one time, or except in bottles as limited by sub-section 4 of section 2 of this Act. Nevertheless, this proviso shall not prevent brewers from selling within the license district in which they have obtained their wholesale license ale and beer in casks not less than five gallons as heretofore for a period not exceeding two years from the passing hereof." Sale of beer in original casks.

6. Section 51 of the said Act is amended by adding thereto the following sub-section :— Rev. Stat. c. 194, s. 51 amended.

3. Nothing in this section shall prevent a brewer from selling to others than licensees in wholesale quantities in any district in which he may obtain a wholesale license.

7. Sub-section 1, section 52 of the said Act, is repealed and the following substituted therefor :— Rev. Stat. c. 194, s. 52, sub-s. 1, repealed.

52.—(1) Chemists and druggists, duly registered as such under and by virtue of *The Pharmacy Act*, may keep and have liquors for sale for strictly medicinal purposes, in packages of not more than six ounces at any one time, except under certificate from a registered medical practitioner. It shall be the duty of Druggists' sales.

every

every such chemist or druggist to record in a book to be kept for the purpose, the date of such sale or disposal, whether it be a sale of 6 oz. or under or over that quantity, the person to whom sold, the kind, quantity, price, and the purpose for which it was sold, and also the name of the medical practitioner giving the certificate, if any, substantially in the following form :—

Date.	Name.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of medical practitioner.

Book open to inspection by Commissioner and Inspector.

(2) The said book is to be kept open to the inspection of the License Commissioners or Inspector, and in default of such sale or disposal being so recorded in the said book, every such sale or disposal shall be held to be a contravention of the provisions contained in sections 49 and 50 of this Act.

Rev. Stat. c. 194, s. 60, amended.

8. Section 60 of the said Act is amended by inserting the words "and costs" after the words "in money" in the eight line thereof.

Rev. Stat. c. 194, s. 118, amended.

9. Section 118 of the said Act is amended by adding thereto the following sub-section as sub-section 5*a*.

Appeals in dismissed cases.

(5*a*) An appeal shall lie to the Judge of the County Court of the County in which an order of dismissal is made, sitting in Chambers without a jury, when the Attorney-General of the Province so directs, in all cases in which an order has been made by a Justice dismissing an information or complaint laid by an Inspector or any one on his behalf for contravention of any of the provisions of this Act provided notice of such appeal is given to the defendant or his attorney within fifteen days after the date of such order of dismissal.

Within ten days after service of the notice of appeal the judge shall grant a summons calling upon the defendant and the justice or justices making the order to shew cause why the order of dismissal should not be reversed and the case re-heard. Upon the return of the summons the judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order and convict the defendant and may impose such fine and costs or other penalty as is provided by *The Liquor License Act*, and the order so

made

made shall have the same effect and shall be enforced in the same manner as is provided in the case of conviction before magistrates under the said Act.

Rev. Stat. c. 194, s. 124, sub-s. 2, amended.

10. Sub-section 2 of section 124, of the said Act is amended by striking out the figures "$10" and "$20" in the sixth and seventh lines thereof and substituting therefor respectively "$25" and "$50."

Rev. Stat. 194, s. 125, amended.

11. Section 125 of the said Act is amended by adding the following sub-section:

(2) After service of the said notice if any other person with a knowledge of such notice gives, sells, purchases for or on behalf of the person with regard to whom the said notice has been served, or for his or her use any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than $25 and not exceeding $50.

Rev. Stat. 194, s. 131, amended.

12. Section 131 of the said Act is amended by inserting the words "or any constable to whom it is directed or delivered" between the words "warrant" and "at" in the 8th line thereof.

Rev. Stat. c. 194, s. 147, amended.

13. Section 147 of the said Act is amended by adding thereto the following sub-section:

Sales in municipalities in which local option by-laws in force.

(2) The sale or keeping for sale of liquors without license in any city, town, incorporated village or township in which there is in force any by-law for prohibiting the sale of liquors passed in pursuance of section 18 of the Act passed in the 53rd year of Her Majesty's reign, entitled *An Act to Improve the Liquor License Laws* shall nevertheless be a contravention of sections 49 and 50 of this Act, and all the provisions of this Act respecting the sale or keeping for sale of liquor in contravention of said sections, and penalties and procedure in reference thereto, shall be of full force and effect in such municipality, notwithstanding such prohibitory by-law.

53 V. c. 56, s. 18, amended.

14. Section 18 of the Act passed in the 53rd year of Her Majesty's reign chaptered 56 is amended by adding at the end thereof the following:

(1) No by-law passed under the provisions of this section shall be repealed by the Council passing the same, until after the expiration of three years from the day of its coming into force, nor until a by-law for that purpose shall have been submitted to the electors and approved by them in the same manner as the original by-law, and if any such repealing by-law (upon being submitted to the electors) is not to approved, no other repealing by-law shall be submitted for the like approval within the full term of three years thereafter.

CHAPTER

CHAPTER 52.

An Act respecting the use of Tobacco by Minors.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Supplying tobacco to persons under 18

Penalty

1. Any person who either directly or indirectly sells or gives, or furnishes to a minor under eighteen years of age, cigarettes, cigars, or tobacco in any form, shall on summary conviction thereof before a justice of the peace be subject to a penalty of not less than $10, or more than $50, with or without costs of prosecution, or to imprisonment, with or without hard labour, for any term not exceeding thirty days, or to both fine with or without costs and imprisonment to the said amount and for the said term, in the discretion of the convicting magistrate. And in case of a fine, or a fine and costs being awarded, and of the same not being upon conviction forthwith paid, the justice may commit the offender to the common gaol, there to be imprisoned for any term not exceeding thirty days, unless the fine and costs are sooner paid.

Where child purchases for parent or guardian.

2. This Act shall not apply to a sale to the minor for his, parent or guardian under a written request or order of the parent or guardian.

Presumption as to age.

3. A person who shall appear to the magistrate to be under 18 years of age, shall be presumed to be under that age unless it is shewn by evidence that he is in fact over that age.

Commencement of Act.

4. This Act shall go into effect on the 1st day of July 1892.

CHAPTER 53.

An Act to amend the Act providing against Frauds in the supplying of Milk to Cheese or Butter Manufactories.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1)

1.—(1) The Act passed in the 51st year of Her Majesty's reign, chaptered 32, and entitled *An Act to provide against Frauds in the supplying of Milk to Cheese or Butter Manufactories* is amended by striking out the words "knowingly and wilfully" from the sections 1, 2 and 3 of the said Act wherever the same occur. 51 V. c. 32, ss. 1, 2, 3 amended.

(2) The said sections 1, 2 and 3 shall not apply where the person charged with the offence proves to the satisfaction of the justice or justices of the peace that the dilution or adulteration of the milk or the keeping back of the strippings, was without his knowledge or privity, and contrary to his wish and intention; and that he was not aware of the dilution, adulteration or keeping back as aforesaid at the time or before so selling, supplying, bringing or sending the milk as in the said sections mentioned; or (as the case may be) was not aware at the time of or before the selling, supplying, bringing or sending the milk that the same was tainted or partly sour. 51 V. c. 32, ss. 1, 2, 3 not to apply where defendant shews want of knowledge.

2. Section 7 of the said Act is amended by inserting after the word "previous" in the eighth line of the said section the words "or subsequent." 51 V. c. 32, s. 7 amended.

3. The said Act is further amended by inserting therein the following as section 7*a*:— Description of offence in information or complaint.

7 (*a*) In any complaint made or laid under the first three sections of this Act and in any conviction thereon the milk complained of may be described as deteriorated milk, without specification of the cause or mode of deterioration and such description shall be a sufficient description of the offence to sustain a conviction, and in any complaint, information or conviction under this Act the matter complained of may be declared, and shall be held to have arisen within the meaning of *The Summary Convictions Act* at the place where the milk complained of was to be manufactured, notwithstanding that the deterioration thereof was effected elsewhere.

3. Section 8 of the said Act is repealed and the following is substituted therefor:— 51 V. c. 32, s. 8 amended.

8. Any pecuniary penalty under this Act shall, when recovered, be payable one-half to the informant or complainant, and the other one-half to the owner, treasurer or president of the manufactory to which the milk was sent, sold or supplied for any of the purposes aforesaid in violation of any of the provisions of this Act, to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof, and all provisions of *The Summary Convictions Act* shall so far as applicable apply. Recovery of penalties.

CHAPTER 54.

An Act for the Protection of Persons employed in places of Business other than Factories.

[*Assented to 14th April, 1882.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act not to apply to certain places of business.

1.—(1) This Act does not apply to any place of business which is within the operation of *The Ontario Factories Act* or *The Ontario Factories Amendment Act 1889*; nor (2) to any place of business where the only persons employed are members of the same family, nor (3) to any place of business where the persons employed are not more than five in number; nor (4) to any place of business where women or girls are not employed.

Act to apply to places other than factories.

2. Save as mentioned in the preceding section, this Act applies to every place of business whether for the sale or manufacture of goods, or for any other kind of business, in which women or girls are employed, and to all rooms and buildings used in connection with or for the purposes of the business.

Sanitary arrangements in buildings.

3. Every building or apartment or place to which this Act applies shall be kept properly ventilated so as not to be injurious to the persons employed therein, and shall have in connection therewith, or within convenient distance and with convenient access thereto, a sufficient number and decription of privies, earth or water-closets and urinals for the employees of the business; such closets and urinals shall at all times be kept clean and well ventilated; and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches.

Penalty for violation of Act.

4. Every person who in his own behalf, as owner or partner or as the manager or agent for the person, firm, company or corporation occupying the premises has charge of the business and employs persons therein, shall be responsible for every violation of this Act in the same manner as employers under *The Factories Act.*

Rev. Stat. c. 208.

Appointment of inspectors.

5. Every municipal council to which this Act applies shall appoint inspectors, or authorise persons to act as inspectors, for the enforcement of this Act, and shall make regulations or by-laws respecting their conduct and duties, and for the enforcement of this Act generally.

6.

6. All fines imposed under this Act shall be paid over to the treasurer of the municipality to and for the use of the municipality notwithstanding anything contained in section 37 of *The Factories Act.* Application of fines and penalties.

7. Except as aforesaid sections 32 to 39 inclusive of *The Factories Act* shall apply to this Act. Rev. Stat. c. 208, ss. 32-39 to apply.

CHAPTER 55.

An Act to amend the Act to impose a Tax on Dogs and for the Protection of Sheep.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 8 of *The Act to impose a Tax on Dogs and for the Protection of Sheep*, is amended by striking out the figures "15" in the eighth line of said sub-section and inserting the figures "17" in lieu thereof. Rev. Stat. c. 214, s. 18 sub-s. 1 amended.

2. Section 2 of the said Act as enacted by section 2 of the Act passed in the 53rd year of Her Majesty's reign chaptered 62, is amended by striking out the words "it shall be lawful for" in the first and second lines of the said section, and by striking out the word "to" in the third line and inserting the word "may" in lieu thereof. 53 V. c. 62, s. 2 amended.

CHAPTER 56.

An Act to Prevent the Wasting of Natural Gas and to Provide for the Plugging of all Abandoned Wells.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Natural gas not be allowed to escape from unused wells.

1. From and after the passing of this Act any person or corporation, and each and every of them in possession, whether as owner, lessee, agent or manager, of any well in which natural gas has been found, shall, unless said gas is sooner utilized, within a reasonable time, not, however, exceeding two months from the completion of said well, in order to prevent the said gas wasting by escape, shut in and confine the same in said well until such time as it shall be utilized; provided, however, that this section shall not apply to any well while it is being operated as an oil well.

Plugging abandoned wells.

2. Whenever any well shall have been put down for the purpose of drilling or exploring for gas, upon abandoning or ceasing to operate the same, the person or corporation in possession as aforesaid shall, for the purpose of excluding all water from the gas-bearing rock, and before drawing the casing, fill up the well with sand or rock sediment to a depth of at least twenty feet above the gas-bearing rock, and drive a round seasoned wooden plug, at least three feet in length, equal in diameter to the diameter of the well below the casing, to a point at least five feet below the bottom of the casing, and immediately after drawing the casing shall drive a round, seasoned wooden plug at a point just below where the lower end of the casing rested, which plug shall be at least three feet in length, tapering in form, and of the same diameter at the distance of eighteen inches from the smaller end as the diameter of the hole below the point at which it is to be driven. After the plug has been properly driven there shall be filled on top of the same sand or rock sediment to the depth of at least five feet.

Penalties for contravention of Act.

3. Any person or corporation contravening any of the provisions of the first or second sections of this Act shall be liable to a penalty not exceeding $100 for each and every violation thereof, and to the further penalty of $25 for each thirty days during which said violation shall continue; and all such penalties shall be recovered, with costs of suit, in a civil action or actions in the name of any person or persons who may sue for the same.

Entry on lands to close wells.

4. Whenever any person or corporation in possession of any well in which gas has been found shall fail to comply with the provisions of the first section of this Act within the time therein set forth, any person or corporation lawfully in possession of lands on which the well is bored, or of lands situate adjacent to or in the neighbourhood of said well, may after ten days' notice in writing to the owner of the well or his lessee, agent or manager, enter upon the lands upon which said well is situated and take possession of said well from which gas is allowed to escape or waste, in violation of said first section, and tube and pack said well and shut in said gas, and may maintain a civil action in any

court

court of this Province against the owner, lessee, agent or manager of said well, and each and every of them, jointly and severally, to recover the cost thereof, in addition to the penalties provided by section 3 of this Act.

Power to take possession of well and plug same.

5. Whenever any person or corporation shall abandon any gas well and shall fail to comply with the second section of this Act, any person or corporation lawfully in possession of lands adjacent to or in the neighbourhood of said well may after ten days' notice in writing to the owner or his lessee, agent or manager enter upon the land upon which said well is situated and take possession of said well and plug the same in the manner provided by the second section of this Act, and may maintain a civil action in any court of this Province against the owner or person abandoning said well, and every of them, jointly and severally, to recover the cost thereof, in addition to the penalties provided by the third section of this Act.

Commencement of Act.

6. This Act shall take effect on, from and after the first day of May, 1892.

CHAPTER 57.

An Act to amend The Drainage Trials Act, 1891.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

54 V. c. 51, s. 3, amended.

1. Section 3 of *The Drainage Trials Act, 1891*, is amended by inserting the words "and other" immediately after the word "provisional" in the sixth line thereof, and by adding to the said section the following :—

Referee empowered to amend and correct provisional by-law.

"And further the said referee shall subject to appeal have "power to amend and correct any provisional by-law in question "in any appeal, and with the engineer's consent to amend the "report so as to correct any error in the description of land or "to make the description definite, or where an error in the cal- "culations or figures of the engineer is apparent, and if necessary "by reason of such amendments to change the gross amount "of any assessment to be made against any municipality, but "nothing in this section shall be construed to give authority "to such referee to hold or act or perform the work of a Court "of Revision as provided for by sub-section 10 of section 569 "of *The Municipal Act*."

Rev. Stat. c. 184.

2.

54 V. c. 51, s. 5, amended.

2. Section 5 of *The Drainage Trials Act, 1891,* is amended by striking out all the words after the word "claim" in the fifth line and inserting the following in lieu thereof ;—

"A copy of the notice with an affidavit of service thereof shall "be fyled at the office of the clerk of the County Court of the "county or union of counties in which the lands are situate."

54 V. c. 51, s. 7, sub-s. 2, repealed.

3. Sub-section 2 of section 7 of the said Act is hereby repealed and the following substituted therefor ;—

"(2.) The notice of appeal shall within the said twenty "days be fyled with the clerk of the County Court of the "county or union of counties where the lands are situate."

54 V. c. 51, s. 12, amended.

4. Section 12 of the said Act is amended by adding thereto the following sub-section ;—

Clerk of the County Court to act as registrar to referee.

(2) The clerk of the County Court shall be the clerk of the Court of the Referee for such trials, and shall take charge of and fyle all the exhibits and shall be entitled to the same fees for fylings and for his services as for similar services in the County Court, such fees to be paid in money and not by stamps.

The referee's clerk shall by direction of the referee act in the absence of such County Court clerk and shall have all the powers thereof while so acting.

54 V. c. 51, s. 15, amended.

5. Section 15 of the said Act is hereby amended by inserting after the word "referee" in the first line of said section, the words "in cases under sections 5, 6 and 7."

54 V. c. 51, s. 17, amended

6. Section 17 of the said Act is amended by adding thereto the following sub-sections ;—

Transcribing evidence.

(1) In cases of reference to the referee—other than under sections 5, 6 and 7—under this Act or under section 101 or 102 of *The Judicature Act* the evidence need not be fyled, and shall only be written out at length by the shorthand writer if required by the referee, or by the parties to the reference or one of them, and if required by the parties or one of them copies shall be furnished upon such terms as shall be fixed by order in council.

Referee's decision to be in form of a judgment.

(2) The decision of the referee in all cases other than those mentioned in sections 5, 6 and 7 of said Act, shall be in the form of an order for judgment and may be delivered as are decisions by the judges of the Supreme Court of Judicature, and need not be in the form of a report and unless appealed from to the Court of Appeal as herein provided, judgment may be entered thereon in the proper office without any further or other application or order.

7.

7. Section 21, of the said Act is amended by adding at the end thereof the words following, "and shall be paid like fees "for similar services at the sittings of the High Court for the "trial of causes." 54 V. c. 51, s. 21, amended.

8. The referee appointed under the said Act shall not practice as a solicitor or barrister or act in any capacity as a legal agent or adviser. Referee not to practice law.

9. This Act may be read with and as part of *The Drainage Trials Act, 1891.* Act incorporated with 54 V. c. 51.

CHAPTER 58.

[*Assented to 14th April, 1892.*

An Act to amend the Act for the Protection of Game and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1—(1) No deer, elk, moose, reindeer or caribou shall be hunted, taken or killed between the fifteenth day of November and the first day of November of the following year; but the period hereinbefore limited shall not as to moose, elk, reindeer or caribou, apply before or until the first day of November, 1895, and no moose, elk, reindeer, or caribou shall be hunted, taken or killed before the first day of November, 1895. Close period for deer, elk, moose, etc.

(2) No owner of any hound or other dog known by the owner to be accustomed to pursue deer shall permit any such hound or other dog to run at large in any locality where deer are usually found during the period from the fifteenth day of November to the first day of November of the following year. Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer between the fifteenth day of November and the first day of November following may be killed on sight by any person, and the person killing such hound or dog shall not be liable to any penalty or damages therefor. Hunting with hounds, when lawful.

(3) Section 17 of the said Act is repealed and the following substituted therefor:— Rev. Stat., c. 221, s. 17, repealed.

17. No one person shall during any one year or season kill or take more in all than two deer, elk, moose, reindeer or caribou. But this shall not apply in the case of deer which are Limit of number of deer, etc., which one person may kill.

the

the private property of any person and which have been killed or taken by such person or by his direction or with his consent, in or upon his own lands or premises.

Certain kinds of hunting prohibited.

(4) Hunting or killing deer by what is known as "crusting" or while they are "yarding" is hereby declared unlawful.

Killing of fawns prohibited.

(5) No fawn shall at any time be hunted, killed, taken or possessed; possession of a fawn after being killed shall be presumptive evidence of a violation of this sub-section.

(6) No common carrier, or other person shall transport or have in possession for that purpose, in this Province, after the same has been killed, any wild deer or the raw skin thereof or any venison save only from the first to the 22nd day of November in each year unless accompanied by an affidavit that the same was hunted and taken during the open season.

Hunting game during close periods prohibited.

2.—(1) It shall be unlawful for any person to catch, kill or destroy, or to pursue with such intent,

(*a*) Any grouse, pheasants, prairie fowl or partridge, woodcock, snipe, rail, plover, or any other water fowl or other game bird or animal, (including black and grey squirrels, and hares) not herein otherwise provided for, at any time between the fifteenth day of December, and the fifteenth day of September in the following year;

(*b*) Or any quail or wild turkeys between the fifteenth day of December and the fifteenth day of October of the following year;

(*c*) Or any swans or geese at any time between the first day of May and the fifteenth day of the following month of September;

(*d*) Or ducks of all kinds at any time between the fifteenth day of December and the first day of the following month of September;

(2) Notwithstanding anything in this section contained, no wild turkeys shall be hunted, taken or killed at any time before the fifteenth day of October, 1897, and no beaver, otter, or fisher before the first day of November, 1897.

(3) No person shall catch, kill or take more than three hundred ducks during any one season.

53 V. c. 70, s. 1 amended.

(4) Section 1 of chapter 70, of the Act passed in the 53rd year of Her Majesty's reign, is amended by striking out the words "partridge or quail" at the end thereof and substituting therefor the words, "partridge, quail, woodcock, snipe, ducks of all kinds, and all other game birds and animals."

Rev. Stat., c. 221, s. 6 amended.

3. Section 6 of the said Act is hereby amended by substituting the word "April" for the word "May" in the third line thereof.

4.—(1)

4.—(1) Section 5 of the said Act is amended by striking out that portion thereof after the word "killed" in the fifth line thereof and substituting therefor the words "from sail-boats or steam yachts;" and by adding the following as sub-section (2) thereof:— Rev. Stat., c. 221, s. 5 amended.

(2) No person shall kill or shoot at any bird or wild fowl between sunset and sunrise. Killing wild fowl at night forbidden.

5. No person shall on the Lord's Day hunt game animals or birds, or take, kill or destroy any game animals or birds, or use any gun, or other engine for that purpose. Hunting or fishing on Sunday prohibited.

6.—(1) Section 2 of the said Act is amended by striking out the word "fifteen" in the fifth line thereof and substituting therefor the word "five" and by adding to the said section the following as sub-section (2) thereof:— Rev. Stat., c. 221, s. 2 amended.

(2) No person shall, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly upon any pretence or device, sell or barter or in consideration of the purchase of any other property give to any other person any quail, snipe, wild turkey, woodcock or partridge, no matter where killed or procured, for a period of two years from the passing hereof. Purchase, sale, or keeping for sale certain birds prohibited for three years.

7. No person shall at any time enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into any such growing or standing grain without permission of the owner or occupant thereof, and no person shall at any time hunt or shoot upon any enclosed land of another after being notified not to hunt or shoot thereon, and any person who shall, without the right to do so, hunt or shoot upon any enclosed land of another after having been notified not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act; but nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass. Any owner or occupant of land may give the notice provided for in this section by maintaining two sign boards at least one foot square, containing such notice, upon at least every forty acres of the premises sought to be protected, on or near the borders thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by giving personal written, or verbal notice; and such notice firstly herein provided for may be in the form following:—"Hunting or shooting on these lands forbidden under Ontario game laws." Provided that any person who shall without authority in that behalf put up, or cause to be put up, any such notice on any lands of which he is not the owner, or the possession of which he is not legally entitled to, shall be deemed guilty of a violation of this Act. Hunting on lands of other persons without permission.

8.—(1)

Rev. Stat., c. 221, s. 16 repealed.

8.—(1) Section 16 of the said Act is hereby repealed and the following substituted therefor:—

Certain animals not to be hunted except by residents of Ontario and Quebec until license obtained.

16. No person not a resident and domiciled in the Provinces of Ontario or Quebec shall be entitled to hunt, take, kill, wound or destroy any moose, elk, reindeer, caribou or other deer, mink, otter, fisher, sable, beaver or any other game animal or bird referred to in this Act, without having first obtained a license in that behalf; every such license shall be signed by the Chief Fish and Game Warden, and countersigned by the Provincial Secretary or his Deputy, and shall be in force for one season only, and shall be subject to the provisions of the game laws in force in the Province at the time the said license was granted; the fee to be paid therefor shall be $25, and shall be payable to the Provincial Treasurer to be applied towards the expenses incurred in carrying out the provisions of the game laws.

License to be shown on request.

(2) Every such person shall, on request by any person whomsoever within the Province, at all times, and as often as requested, produce and show to the person making the request, such license; and if he shall fail or refuse to do so he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding or destroying any such animal or bird, or if on proof of the facts mentioned in the first sub-section hereof, and upon proof of such request and failure, or of refusal, be deemed to have violated the provisions of this section.

Permits to guests of residents of Ontario.

(3) The Provincial Secretary, any member of the Board of Fish and Game Commissioners, the Chief Fish and Game Warden or any of the Wardens may grant a permit to a guest of a resident of the Province free of charge for a term not exceeding one week.

Board of Fish and Game Commissioners.

9. There is hereby created a board to be known by the name of the Board of Fish and Game Commissioners of the Province of Ontario, which board shall be composed of five members, who shall be appointed by the Lieutenant-Governor in Council for the term of three years each, in the manner hereinafter set forth, and who, except the secretary, who may be a member of said board, shall serve without compensation, either direct or indirect, other than actual disbursements. One of the said Commissioners shall hold office until the first day of April, 1893, two shall hold office until the first day of April, 1894, and the remaining two shall hold office until the first day of April, 1895, and the said Commissioners shall, as soon as may be after this Act takes effect, assemble at the city of Toronto, and by lot decide between themselves as to their respective terms of office. Commissioners may from time to time at the expiration of their terms of office, be reappointed for like terms of three years.

Filling vacancies in Board.

(2) The Lieutenant-Governor in Council shall, from time to time, as vacancies on the said board occur, whether by expira-

tion

tion of term, resignation or any other cause, make appointments to fill such vacancies, and shall appoint the president and secretary of the said board.

(3) The said board shall meet at least once and not oftener than three times each year, and shall make rules and regulations subject to the approval of the Lieutenant-Governor in Council for the guidance of game and fish wardens and subwardens. Meetings, rules and regulations.

10. The Lieutenant-Governor in Council upon the recommendation of the said Board, may appoint a chief game and fish warden, who shall act as secretary and business agent of said board, and may also appoint other game and fish wardens, not exceeding four in number, whose duties shall be prescribed by rules and regulations in that behalf. The compensation of the secretary and the said chief warden and other wardens shall be fixed by the Lieutenant-Governor in Council, and shall be paid out of the license fees and fines collected under the provisions of this Act and such moneys as may be appropriated for the purpose by the Legislative Assembly of the Province and shall not, exclusive of travelling expenses, exceed, in the whole, the sum of $1,200 ; and said board shall have the power to appoint, or may authorize the chief game warden to appoint, at any time, deputy wardens in any part of the Province for such period of time as they in their discretion may determine. Duties and powers of Board.

11. It shall be the duty of said board to give all necessary directions and to take all reasonable measures for securing the enforcement of the laws for the protection of game, and for giving effect to the provisions of laws for the preservation propagation and protection of the fish of the Province, to collect, classify and preserve all such statistics, data and information as they may think will tend to promote the objects of such laws ; to conduct all the necessary correspondence, to take charge of and keep all reports, books, papers, documents or specimens which they may collect in the discharge of their duties under this Act ; and to prepare an annual report to the Lieutenant-Governor on or before the thirty-first day of December of each year, shewing what has been done by them during the year, and the manner in which their duties have been performed, with such recommendations for legislative action, if any, as the said board may deem calculated to better promote the preservation of fish and game and increase the more useful food fishes within the Province and to lessen the cost of the same. Board to collect information and statistics.

12. The provisions of the game laws of this Province shall not apply to Indians or to settlers in the unorganized districts of this Province with regard to any game killed for their own immediate use for food only and for the reasonable necessities of the person killing the same, and his family, Game laws not to apply to Indians and settlers in unorganized districts.

and

and not for the purposes of sale or traffic. And nothing herein contained shall be construed to affect any rights specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the government of the Dominion of Canada, with reference to hunting on their reserves or hunting grounds or in any territory specially set apart for the purpose ; nor shall anything in this Act contained apply to Indians hunting in any portion of the Provincial territory as to which their claims have not been surrendered or extinguished.

Penalties.

13. Any person offending against any of the provisions of sections 1 and 8 of this Act shall be liable for each offence to a fine not exceeding fifty dollars, and not less than twenty dollars, together with the costs of prosecution, and any person offending against any other of the provisions of the said Act as hereby amended shall be liable for each offence to a fine not exceeding twenty-five dollars nor less than five dollars, together with the costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county where such conviction shall take place, for a period not exceeding three months.

(2) The Justice or Justices shall, in any such conviction, adjudge that the defendant be imprisoned, unless the penalty and also the costs and charges of prosecution and commitment and of conveying the defendant to prison are sooner paid.

(3) The amount of the costs and charges of the commitment and conveying of the defendant to prison are to be ascertained and stated in the warrant of commitment.

Warden may convict offender on view.

14. Any of the wardens appointed under the provisions of this Act, or any magistrate may, upon his own view, convict for any offence against the provisions of the said Act or this Act.

Application of fines.

15. One half of every fine collected under the provisions of the said Act as hereby amended shall be paid to the prosecutor or person on whose evidence a conviction is made, and the other half shall be paid to the Treasurer of the Province ; but the wardens appointed under this Act shall not be entitled to any portion of fines in cases where they may act as prosecutors.

Arrest of offenders without process.

16.—(1) Any officer specially authorized under the provisions of this Act to enforce the fish and game laws may without process arrest any violator of said laws for an offence committed in his presence ; and he shall with reasonable diligence cause him to be taken before any justice of the peace for a warrant and trial either in the county where the offence was committed or in the county in which the

violator

violator was arrested, and jurisdiction in all cases under the said Act is hereby granted to all justices of the peace, magistrates, stipendiary magistrates, and all other courts, to be exercised in the same way and manner as if the offence had been committed in their respective counties. Any officer who shall maliciously or without probable cause abuse his power in such proceedings shall be guilty of an offence under this Act.

Penalties on officers abusing their powers.

(2) Sheriffs, deputy-sheriffs, provincial police or constables, county constables, police officers, wood-rangers, crown-lands agents, timber agents, fire wardens and fishery inspectors or overseers, are vested with the powers of deputy-wardens and authorized to enforce any of the provisions of this Act, and shall receive for their services the same fees.

Officers authorized to enforce laws.

(3) Officers authorized to enforce the game laws, and all other persons, may recover the penalties for the violation thereof in an action on the case in their own name or by complaint or indictment in the name of the Province, and such prosecution may be commenced in any county in which the offender may be found.

Penalties, how recoverable.

17. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:

Procedure upon prosecutions.

(1) The information shall be laid within two months after the commission of the offence.

(2) The description of an offence in the words of the said Act or in any similar words, shall be sufficient in law;

(3) Any exception, exemption, proviso, excuse or qualification whether it does or does not accompany the description of the offence in the said Act as hereby amended, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant;

"Said Act," to mean Rev. Stat. c. 221 and amendments.

18. The words "the said Act," wherever they occur in this Act shall mean the *Act for the protection of Game and Fur-bearing Animals*, as amended by any subsequent Acts, or this Act, and this Act shall be read with and as forming a part of the said Act, and all laws inconsistent with the provisions of this Act are hereby repealed.

CHAPTER

CHAPTER 59.

An Act to amend the Act to Encourage the Destroying of Wolves.

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 223, s. 2, amended.

1. Section 2 of *The Act to encourage the Destroying of Wolves* is amended by striking out the figures "$6" in the last line and inserting in lieu thereof the figures "$10."

Rev. Stat. c. 223, amended.

2. The said Act is further amended by inserting therein the following as section 3*a*.:

Provincial Treasurer to refund $4 on every bounty paid.

3*a*. Upon the production of the said certificate and a written acknowledgment of the payment by said county, signed by the person to whom the same has been paid, the corporation of the county, except the provisional county of Haliburton, shall be entitled to receive from the Provincial Treasurer the sum of $4 upon every bounty of $10 so paid, and the said Treasurer may pay the same out of such moneys as shall be voted by the Legislature for that purpose.

Rev. Stat. c. 223 amended.

3. The said Act is further amended by adding thereto the following sections:—

Reward for production wolf's head.

6. When any wolf shall be so killed in any district of the Province which does not form part of any county, or in the provisional county of Haliburton, upon the production of the head with the ears on, before any district judge or stipendiary magistrate or police magistrate, sheriff, Crown land or free grant agent, or before any Division Court clerk of or within such district, or in the provisional county of Haliburton, and the person so killing the same makes oath or affirmation, as the case may be, and establishes to the satisfaction of such officer that the wolf was killed within such district, he shall be entitled to receive from the Treasurer of the Province the sum of $10 as a bounty for the same.

Officer to whom head produced to cut off ears and give certificate.

7. In case the officer before whom the head is produced is satisfied that the wolf was killed as in the preceding section is mentioned, he shall first cut off the ears thereof and then give the person a certificate, as mentioned in the second section of said Act, and that such person is entitled to receive from the Provincial Treasurer the said sum of $10, and the Treasurer may pay the same upon the production of the certi-

ficate

ficate upon being duly satisfied that the same has been duly signed by any such officer, out of such moneys as shall be voted by the Legislature for that purpose.

8. The Lieutenant-Governor in Council may make regulations prescribing the manner in which proof shall be made and otherwise in order to carry this Act into effect.

CHAPTER 60.

An Act to amend and explain certain portions of The School Laws.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS a portion of section 123 of *The Public Schools Act of 1878* was unintentionally repealed by *The Public Schools Act, 1891*; and whereas it is desirable to make clear the meaning of section 109 of *The Public Schools Act, 1891*; and in other respects amend the school laws.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 225, s. 123 re-enacted in part.

1. The following words, forming part of section 123 of chapter 225 of the Revised Statutes of 1887, repealed by *The Public Schools Act, 1891*, are hereby re-enacted :—"Where the "public school rate and the separate school rate are not the "same, if the owner is compelled to pay a school rate in con-"sequence of the default of the tenant to pay the same, he "shall only be liable to pay the amount of the school rate "of the schools to which in virtue of his right in this behalf "he directed his money to be paid."

Meaning of 51 V., c. 55, s. 109.

2. To remove doubts, section 109 of *The Public Schools Act, 1891* shall be construed to mean that union school sections composed of a part of a township, and any incorporated village or town shall not be included within the provisions of said section 109.

51 V. c. 55, s. 115, amended.

3. Section 115 of *The Public Schools Act 1891*, is amended by adding thereto the following sub-section :

Expenses of publishing by-laws.

(5) The expenses of preparing and publishing any by-law or debentures under the said section 115 and all other expenses

expenses

incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section, anything in *The Public Schools Act* to the contrary notwithstanding.

Exemption by by-law not to affect liability for school rates.

4. No municipal by-law hereafter passed for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever.

Adjustment of assets and liabilities upon union of municipalities.

5. In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of the school corporations of the minor municipality shall be assumed by the school corporation of the united municipality.

54 V. c. 57, s. 12, amended.

6. Sub-section 2 of section 12 of *The High Schools Act, 1891*, is amended by striking out the word "resident" in the first line thereof and inserting after the word "age" in the same line the words "residing in the county or municipality in which the high school is situated."

CHAPTER 61.

An Act to amend Chapter 230 of the Revised Statutes of Ontario, entitled "An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges."

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat. 230, s. 5, sub-s. 4 amended.

1. Sub-section 4 of section 5 of the *Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges* is hereby amended by striking out the words "or in a federating college" in the 5th line of the said sub-section.

Rev. Stat. c. 230, s. 5 amended.

2. Section 5 of the said Act is hereby amended by adding thereto as sub-section 6:—

(6) The Senate shall from time to time by statute regulate the library fees to be paid by all classes of students in the University.

3.

3. Section 37 of the said Act is hereby amended by adding thereto the following words: "or by a standing committee thereunto authorized by the Senate." Rev. Stat. c. 230, s. 37 amended.

4. Section 46 of the said Act is hereby amended by inserting after the word "statute" in the second line thereof, the words, "or by resolution." Rev. Stat. c. 230, s. 46 amended.

5. Section 47 of the said Act is hereby amended by inserting after the word "Senate" in the third line thereof, "or by any committee or board authorized by the Senate, "either directly or through any committee appointed by the "Senate in that behalf." Rev. Stat. c. 230, s. 47 amended.

6. Section 78 of the said Act is hereby repealed and the following section substituted therefor:— Rev. Stat. c. 230, s. 78 repealed.

78. The annual or other fees to be paid by students or persons attending lectures or receiving instruction in University College, or by students enrolled in University College, shall be determined by the Lieutenant-Governor in Council on the report of the Council of University College; and such fees may be fixed and included in an annual sum for enrolment in University College, which sum may include all fees for lectures or instruction for which under the law any fee can be charged, with the exception of library and laboratory fees. Fees payable by students.

7. Section 82 of the said Act is hereby amended by adding thereto the following words: "And the Senate may by "statute provide that interest at a rate not exceeding six per "cent. per annum shall be paid and applied out of the income "fund of the University on all moneys actually paid in to the "Crown for the purposes of such endowment." Rev. Stat. c. 230, s. 82 amended.

8. Sub-section 1 of section 88 of the said Act is hereby amended by adding after the word "employed" in the fourth line thereof "or who may hereafter be employed." Rev. Stat. c. 230, s. 88 amended.

CHAPTER 62.

An Act to amend Chapter 231 of the Revised Statutes of Ontario, entitled "An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College."

[*Assented to 14th April, 1892.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 1.—(1)

Rev. Stat. c. 231, s 5, amended.

1.—(1) Section 5 of the *Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College,* is hereby amended by substituting "$250,000" for "$200,000," and by adding to the section the following as sub-sections 2 and 3 :—

Debentures of University of Toronto.

(2) With a view to raising the required amount on the most advantageous terms (all the property and effects, real and personal, of the University of Toronto being now vested in the Crown) the Lieutenant-Governor in Council may provide for the issue of such debentures, and the guarantee thereof by the Province; in which event the principal money shall be a first charge upon the permanent fund of the University of Toronto, and the interest shall be a first charge upon the income fund of the said University; and principal and interest shall be paid out of the said permanent and income funds in preference to all other claims.

Debentures how payable.

(3) Such debentures may be issued in currency or sterling at the rate of $5 to the pound for principal, and may be made payable in London or in Canada.

Rev. Stat. c. 231, s. 26, amended.

2. Section 22 of the said Act is hereby amended by adding thereto the words following :—

"Unless the Lieutenant-Governor in Council shall, during "the next financial year, authorize the expenditure thereof for "University purposes."

Rev. Stat. c. 231, s. 26, amended.

3. Section 26 of the said Act is hereby amended by striking out the words "coincide with calendar year," and inserting in lieu thereof, "commence on the first day of July and end on the 30th day of June following."

CHAPTER 63.

An Act to empower the University of Toronto to deal with certain Upper Canada College lands.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS, under chapter 231 of the Revised Statutes of Ontario, 1887, as amended by an Act passed in the 51st year of Her Majesty's reign, chaptered 38, the Lieutenant-Governor-in-Council was authorized to transfer to the University of Toronto the site formerly occupied by Upper Canada College situated on King street, in the city of Toronto, herein-

after

after called the block; and whereas by section 4 of said first mentioned Act as amended by section 2 of the said Act passed in the 51st year of Her Majesty's reign, chaptered 38, all the property heretofore vested in the Crown in trust for Upper Canada College, subject to certain charges for the purchase of a site, and the erection and equipment of buildings for Upper Canada College, and a permanent endowment of $100,000 for the said college was to be appropriated for the use of the University of Toronto and University College as the Lieutenant-Governor in Council might direct; and whereas the securities and investments of Upper Canada College together with the surplus income fund accruing therefrom which forms part of the property aforesaid are not sufficient to meet the expenditure on the site, buildings and equipment of the new Upper Canada College and the interest on the endowment aforesaid; and whereas the lands to be transferred to the University are at present unproductive, yielding no revenue or rents out of which to pay the interest of said endowment or any other charges which may attach to said lands;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly enacts as follows:—

Former site of U. C. College vested in Crown for University of Toronto.

1.—(1) Subject to the alternative in section 5 of this Act the site formerly occupied by Upper Canada College on King street shall be vested in the Crown as part of the endowment of the University of Toronto subject to the following charges thereon and on all rents and profits or annual or other periodical receipts therefrom and on the proceeds of all sales thereof.

Priority of charges up site.

(2) The first charge shall be the charges and expenses of management and administration, and any local improvement burdens, if any, which may be assumed in connection with the block; and interest at the rate of four and one-half per centum per annum on the yearly balances of the said account with yearly rests.

(3) The second charge shall be any balance remaining in respect of the Upper Canada College expenditure, and interest at the rate aforesaid on the yearly balance of the said account with yearly rests.

(4) The third charge shall be the said endowment fund of $100,000 with interest at the rate of four and one-half per centum per annum to the extent, after the time or times, and on the conditions following:—

(*a*) No interest shall be payable until after the satisfaction out of the block of the first and second charges both principal and interest in full.

(*b*) Thereafter interest shall begin, and shall be payable at the rate aforesaid, in respect of such part of the said endowment fund, to such extent, and at such time as further rents and profits may be received or as further interest-bearing capital may be realized out of sales of the block.

(*c*)

(*c*) As such further rents and profits and realized interest-bearing capital increase, interest at the rate aforesaid shall be paid to the extent of such increased rents and profits and in respect of such increased interest-bearing capital until the total interest payable shall reach four and one-half per centum per annum on $100,000.

(*d*) Thereafter interest at the rate aforesaid shall continue to be payable on the full sum of $100,000 in respect of the said endowment, unless and until the principal sum of $100,000 or securities representing the same shall be specifically set apart and vested in the Crown for the purpose of the said endowment.

Authority to sell or lease lands free of charges.

2. Any part of the block may be sold or leased free from all the said charges; and the said charges on the block shall be charges on the rents and profits of the leases and on the proceeds of the sales thereof.

Advancement of funds out of capital of University pending realization upon lands.

3. The Lieutenant-Governor in Council may direct that pending the realization of funds out of the block to meet the said first and second charges, any sum may be temporarily advanced in respect of the first and second charges out of the capital of the endowment of the said University; and any such temporary advance shall be deemed an investment of so much of such capital, and interest at the rate of 4½ per centum per annum shall be charged thereon with yearly rests; and any such advances and interest shall stand in the place of the charge which it represents; and the amount of such interest may, pending such realization as aforesaid, be treated as income actually received by the said University, and may be expended yearly, and may meantime be provided for out of the capital of the endowment of the said University; and on realization all such interest so expended shall be recouped to, and form part of, the capital of such endowment.

Payment of balance due in respect of Upper Canada College.

4. Out of the cash from time to time in the hands of the Bursar of the University and available for investment a sum equal to the value of the securities and investments of Upper Canada College together with the surplus income fund accruing therefrom shall be applied by the University towards the payment of the balance due in respect of Upper Canada College as the Lieutenant-Governor-in-Council may from time to time direct, whereupon, such securities, investments and surplus income shall become part of the endowment of the said University.

Lieutenant-Governor may set apart land in lieu of grant of $100,000.

5.—(1) In lieu of the said endowment of $100,000, the Lieutenant-Governor in Council may, with the consent of the Senate and Trustees of the University of Toronto and the Trustees of Upper Canada College, set apart for the use of Upper Canada College so much of the said block as may be

deemed

deemed the equivalent in value of the said endowment of $100,000 and in such case any portion of the block so set apart shall be held by the Crown for the use of the said College, and such land shall be administered by the Trustees of the College subject to the approval of the Lieutenant-Governor in Council.

(2) Any part of the block set apart for the use of Upper Canada College shall be deemed to be the permanent fund of the College within the meaning of the *Act respecting the income and property of the University of Toronto, University College and Upper Canada College.* Rev. Stat. c. 231.

(3) In the event of any part of the block being set apart for the use of Upper Canada College as hereinbefore mentioned, the remaining portion of the block shall be relieved of the charges set forth in sub-section 4 of section 1 of this Act.

6. No further expenditure shall be incurred on account of the site, buildings, or equipment of Upper Canada College except out of the future surplus income of the College; a statement of any expenditure out of the said future surplus income shall be submitted annually to the Legislative Assembly. Further expenditure on account of U. C. College.

CHAPTER 64.

An Act to consolidate the Floating Debt of the Town of Brockville.

[*Assented to 14th April, 1892.*

WHEREAS the corporation of the town of Brockville have expended the sum of $10,000 in purchasing the ground necessary for a new cemetery, and $1,700 for purchasing a property for a fire hall, and have also expended money in purchasing a residence for the chief of police, and large sums of money for unforeseen expenses which have from time to time arisen, such as law suits in respect of accidents on the streets, and for other causes, and have by their petition prayed that the said expenditures which are now represented by a large floating debt may be consolidated, and that the said corporation may be authorized to issue debentures therefor for a sum not exceeding $45,000; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Power to issue debentures for $45,000.

1. The said corporation may issue debentures under the corporation seal, and signed by the mayor and countersigned by the treasurer for the time being, for such sums not less than one hundred dollars each, and not exceeding $45,000 in the whole, as the council of the said corporation may direct; and the principal of said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and either in sterling money of Great Britain or in lawful money of Canada, as the said council may direct.

Payment of debentures and interest.

2. The said debentures shall be made payable at such period not exceeding thirty years from the date thereof as the said council may direct, and the interest thereon at such rate not exceeding four per centum per annum as the said council shall direct shall be payable half yearly, according to the coupons to be attached to such debentures.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures, or to the passage of any by-law directing the same, or to observe the formalities in relation thereto prescribed by *The Municipal Act.*

Rev. Stat. c. 184.

Irregularities in form not to invalidate debentures.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Special rate.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year during the currency of the said debentures, which shall be sufficient to raise such an amount as will pay the interest to be paid on the said debentures, and also form a sinking fund sufficient for the payment of the principal money of the said debentures at their maturity.

Power to raise money on debentures and application of proceeds.

6. The said council may for the purpose aforesaid raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied towards the payment of the said floating debt, and to and for no other purpose whatever; and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

CHAPTER

CHAPTER 65.

An Act to consolidate the Debt of the Town of Chatham.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the town of Chatham have by their petition represented that they have incurred debts and liabilities for the purpose of paying the municipal loan fund indebtedness and for fire-balls, iron bridges, public and high schools, public officers, railway bonuses, and other public improvements to the extent of $275,570.08, the particulars of which have been set forth in schedule "C" to this Act and for the said amount debentures have from time to time been issued, and that no funds have been provided by way of sinking fund or otherwise for redeeming a great portion thereof, save and except the annual interest thereon; and whereas the said corporation have incurred a floating debt of the sum of $35,500 in addition to the ordinary expenses of the corporation, for payment of which no funds have been provided; and whereas the said corporation desire to reduce or pay off by yearly instalments the principal of said municipal loan fund indebtedness, being $103,478.29, instead of paying merely the interest thereon; and whereas the said corporation have represented that the payments to be made on account of the said debenture and municipal loan fund debts, and the said floating debt would be unduly oppressive to the ratepayers, and that the said corporation, if enabled to consolidate their said indebtedness, can effect a loan or loans to pay off the same at a lower rate of interest and payable at longer dates than apply to the existing debts; and whereas the said corporation have by their petition prayed that the said debenture and municipal loan fund debt of $275,570.08 and the said floating debt of $35,500 may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at $310,000.

1. The said debts of the said town of Chatham are hereby consolidated at the sum of $310,000, and it shall be lawful for the corporation of the said town of Chatham to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums

to

to retire and pay the said debentures and municipal loan fund debt, amounting to $275,570.08, as or before they respectively become due, and to pay off the other debts, amounting to $35,500, not exceeding in the whole the said sum of $310,000 exclusive of interest thereon.

Issue of debentures to $310,000 authorized.

2. It shall be lawful for the said corporation of the town of Chatham, from time to time, to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer, for the time being in such sums of not less than $100, and not exceeding $310,000 in the whole for principal money as the said corporation may, from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of the said town may, for the purpose in section 6 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures or any part thereof, or may exchange the same or any part thereof for other outstanding debentures or coupons representing any part of the debt so being consolidated or interest thereon, or may pledge said debentures, or any part thereof and borrow money thereon for the purpose of paying or redeeming such outstanding debentures or coupons, from time to time, and upon such terms as they may deem expedient, and can agree upon.

Debentures, how payable.

4. A portion of the said debentures to be issued under this Act, shall be made payable in each year after the respective by-laws take effect for a period not exceeding thirty-five years from and after the fifteenth day of December, 1892, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the fifteenth day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures or any part thereof, may bear interest at any rate not exceeding five per cent. per annum.

Special rate.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due in each year for principal and interest in respect of the debentures authorized to be issued under this

Act

Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

6. The said debentures and all moneys arising therefrom whether by exchange, sale, pledge, or otherwise, shall be applied by the said corporation in the redemption or payment of the debentures and municipal loan fund debt and floating debt of the town of Chatham, to the amount of in all not more than $310,000 and interest thereon, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt debentures."

Treasurer may call in outstanding debentures

7. The treasurer of the said town shall, on receiving instructions from the council of the said town so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed till debt is paid.

8. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of electors not required.

9. It shall not be necessary that any by-law, which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the said town of Chatham, in accordance with the provisions of *The Municipal Act* and it shall be sufficient if any such by-law be in the form in the schedule "B" to this Act set forth or to the like effect, notwithstanding the provisions of the said Act.

Rev. Stat. c. 184.

Treasurer to keep book showing debentures accounts.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement

shall

shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Present indebtedness not affected.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Chatham from any indebtedness or liability which may not be included in the said debt of the said town of Chatham.

Form of debentures and by-law.

12. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act, or to the like effect.

Inconsistent provisions in Municipal Act not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or to see to the application of the purchase money or of money loaned thereon, or the necessity of passing such by-law or issue of debentures; and any of the said debentures, which shall purport to have been issued under the authority of this Act, shall be conclusively presumed in favour of the purchaser or holder thereof to have been so issued.

Informalities not to invalidate debentures.

Present debentures not to be paid off without holders consent.

14. Nothing in this Act contained shall be construed as giving to the said corporation any authority to pay off or redeem any of the debentures in the preamble to this Act mentioned, before the maturity thereof, without the consent of the holder thereof.

School rates.

15. Said debt hereby consolidated including the sum of $14,837.97 used for school purposes, the said sum and the rate or assessment necessary to pay the same and interest thereon shall not be reckoned as part of the debenture indebtedness or of general or yearly rate of assessment of said corporation in calculating the amount for the purpose of ascertaining if the limit of the powers of the council or ratepayers thereof to assess and levy or to pass by-laws incurring or creating debts has been reached, but the said sum of $14,837.87 being part

of

of said consolidated debt debentures, and the rate or assessment necessary to pay the same and interest thereon shall, notwithstanding this Act, continue to be reckoned and treated as money raised by the issue of debentures for school purposes and as school rates respectively. Provided that nothing in this Act contained shall have the effect of charging the public school debenture indebtedness of the said town or the amount thereof hereby consolidated upon or authorizing the levy of the same from property not liable for public school rates in the said to wn.

16. This Act may be cited as "*The Chatham Debenture Act 1892.*" Short title.

SCHEDULE A.

(*Section 12.*)

CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Chatham.

Under and by virtue of *The Chatham Debenture Act, 1892*, and by virtue of by-law number of the corporation of the town of Chatham, passed under the provisions contained in the said Act, the corporation of the town of Chatham promise to pay the bearer at in the the sum of on the day of one thousand hundred and and to pay interest thereon at the rate of per cent. per annum to bearer of the annexed coupons respectively, upon presentation thereof at the in as same shall severally become due.

Dated at the town of Chatham, in the county of Kent, this day of A.D.

Mayor.

Treasurer.

(COR. SEAL.)

SCHEDULE B.

(*Section 9.*)

By-law No. to authorize the issue of debentures under the authority of *The Chatham Debenture Act, 1892.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of $ in the whole, as the corporation of the town of Chatham, may in pursuance of, and in conformity with the provisions of the

said

said Act direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of , payable on the day of , and on the day of (*as the case may be*), with interest thereon at the rate of per cent. per annum, payable according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Chatham, according to the last revised assessment roll of the said town, being for the year one thousand and hundred and was $

Therefore the municipal corporation of the town of Chatham hereby enacts as follows:

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of $ are hereby authorized and directed to be issued, and the same shall be payable in annual instalments at the in the

2. The said debentures shall have coupons attached hereto for the payment of interest at the rate of per cent. per annum, payable in each year.

3. For the payment of the said debentures and interest thereon, the sum of $ shall be raised and levied by a special rate sufficient therefor on all the ratable property in the said town of Chatham, in the year 189 , and in succeeding years, pursuant to said Act.

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

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SCHEDULE C.

DEBENTURE INDEBTEDNESS.

Municipal loan fund debentures	$103,478 29
Erie & Huron Railway Co's debentures (County of Kent), Town's proportion of	23,328 00
Building of fire-hall, paving of four streets and common school debentures	2,531 88
Brick school house debentures	1,710 00
Iron bridge (5th street) debentures	24,310 00
Erie & Huron Railway Co's debentures (town)	33,249 60
High school debentures	12,495 00
Ontario & Quebec Railway Co's debentures	37,391 56
Public buildings debentures	9,130 95
Paving of streets and repairing of bridges debentures	27,944 80
	$275,570 08

CHAPTER

CHAPTER 66.

An Act to confer certain Powers upon the Chatham Waterworks Company.

[*Assented to 14th April, 1892.*

Preamble

WHEREAS by the Act passed in the 53rd year of Her Majesty's reign, chaptered 130, intituled *An Act to confer upon the Chatham Waterworks Company power to borrow $150,000*, the said the Chatham Waterworks Company were empowered to borrow a sum not exceeding $150,000; and whereas the said company desire to have their borrowing powers still further extended and to be empowered to increase their capital stock, and for those purposes have petitioned that an Act may be passed authorizing them to borrow a sum not exceeding $225,000, and to increase their capital stock to a sum not exceeding $250,000, under the provisions of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, instead of the sums limited by the said last mentioned Act; and whereas no opposition has been made to the application of the said company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

Power to borrow to extent of $225,000

1. The Chatham Waterworks Company of the town of Chatham, in the county of Kent and Province of Ontario, are hereby authorized and empowered to borrow from any person or persons, body or bodies politic or corporate, or associated as a company or co-partnership, either in this Province or out of it, a sum or sums of money not exceeding in the whole the sum of $225,000, at any rate of interest in conformity with the laws of Canada, that the president and directors of the company deem necessary.

Certain provisions of Rev. Stat., c. 164, to apply to company.

2. The provisions of sections 71, 73, 74, 75, 76, 77, 78, 79, and 80 of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, and all other powers and provisions of the said Act relating to or applicable to the raising or borrowing of money, are incorporated with and form a part of this Act, and shall apply to and are conferred upon the said the Chatham Waterworks Company, except only in so far as they are inconsistent with the express enactments thereof.

3.

Power to increase capital stock to $250,000.

3. The said the Chatham Waterworks Company are hereby authorized and empowered to increase their capital stock to a sum not to exceed $250,000 under the formalities provided by section 43 of the said *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, and the provisions of the said Act relating to the increase, management and disposition of, or subscription for stock for such companies or in any other way relating to such stock, are hereby incorporated with and shall form part of this Act and shall apply to the said the Chatham Waterworks Company except that the figures "$200,000" in the sixth line of sub-section 3 of section 2 of the said Act shall read "$250,000."

Rev. Stat. c. 164.

Power to construct telephone line connecting with works.

4. The said the Chatham Waterworks Company are hereby authorized and empowered to erect, construct and maintain a line of poles and place thereon a telephone wire at least twenty feet above the level of the ground for their own private use, along the sides of and across the public highways, streets, bridges and water courses to connect the pumping station of the said company in the township of Raleigh, with the pumping station and works of the said company in the township of Chatham, in the county of Kent; provided that before exercising the powers given by this section the consent thereto of the councils of the town of Chatham and of the township of Raleigh shall be obtained, and provided further, that nothing done or permitted under the provisions of this section shall interfere with the public right of travelling or using such highways, streets, bridges or water courses.

Proviso.

CHAPTER 67.

An Act to consolidate the Debt of the Town of Cobourg.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the town of Cobourg, have by their petition represented, that it has incurred debts and liabilities for the purpose of paying off the municipal loan fund indebtedness, harbour improvements, matting factory bonus and old consolidated debt to a large amount, and for which indebtedness, debentures have been issued from time to time, and there remains after applying the sinking fund, a debt of $216,371 in outstanding debentures, and which debentures mature and are payable at different periods between the years 1893 and 1899; the particulars of the said outstanding

debentures

debentures being set forth in schedule "C" to this Act; and whereas the said corporation have prayed that an Act may be passed to consolidate the said debts of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated at $216,371.

1. The said debt of the said town of Cobourg, is hereby consolidated at the sum of $216,371, and it shall be lawful for the corporation of the said town of Cobourg, to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum to retire the said debentures.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Cobourg, from time to time, to pass a by-law or by-laws providing for the issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums of not less than $100, and not exceeding $217,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable at such place or places as the said corporation may deem expedient and may be expressed in sterling money of Great Britain or currency of Canada.

Term of debentures

3. The said debentures shall be payable in not more than thirty-five years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly, on the first days of the months of January and July in each and every year, at the places mentioned therein, and such debentures may bear interest at any rate not exceeding four and a half per cent per annum.

Payment of debentures and interest.

4. Until all the now outstanding debentures are paid and retired the council shall each year levy and collect in addition to the interest a sinking fund of one per cent. upon all debentures issued under the authority of this Act and shall use said sinking fund in paying in part said now outstanding debentures and after said now outstanding debentures are all paid no further sinking fund shall be collected but from and after the maturity of the last of the said now outstanding debentures which will be in the month of July, 1899, a portion of the said debentures to be issued under the authority of this Act shall be made payable in each year for the remainder of the period of thirty-five years from the date of the issue of said debentures respectively and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest

during

during each of the other years of the period within which the debt is to be discharged, and the remainder of the period of thirty-five years hereinbefore referred to shall mean the unexpired time that the debentures which have been issued under this Act, prior to the year 1899, have to run.

Special rate.

5. The said corporation shall from and after the maturity of the last of the said now outstanding debentures levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

6. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Cobourg, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures."

Power to call in outstanding debentures.

7. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under this Act, or may with like consent substitute thereof the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-law not to be repealed until debt paid.

8. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

9. It shall not be necessary to obtain the assent of the electors of the said town of Cobourg, to the passing of any by-law, which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act.*

Indebtedness of town not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Cobourg, from any indebtedness or liability which may not be included in the said debt of the said town, or to affect any priority (if any) to which any of the now outstanding debentures are entitled.

Treasurer to keep book shewing state of debenture account.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to

to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of corporation.

12. Nothing in this Act contained, shall in any way interfere with, limit or affect the powers of the Act of the Legislature of Ontario, passed in the 52nd year of Her Majesty's reign and chaptered 59.

When 22 V. c. 72 to cease to apply.

13. The Act of the parliament of Canada, passed in the 22nd year of Her Majesty's reign and chaptered 72, and amending and subsequent Acts relating to the debt and extending the powers of the Cobourg Town Trust, shall on the payment of the debentures issued thereunder cease and be of no effect.

Form of debenture and by-law.

14. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same, may be in the form of schedule "B" to this Act.

Inconsistent enactments not to apply.

15. Any provisions in the Acts respecting municipal institutions in the province of Ontario, which are or may be inconsistant with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof, shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularity in form not to invalidate debentures.

Short title.

16. This Act may be cited as "*The Cobourg Debenture Act of 1892.*"

SCHEDULE

SCHEDULE "A."

(*Section 14.*)

No. PROVINCE OF ONTARIO, $

Town of Cobourg Consolidated Debt Debenture.

Under and by virtue of *The Cobourg Debenture Act 1892,* and by virtue of by-law No. , of the corporation of the town of Cobourg, the corporation of the town of Cobourg promises to pay to the bearer at in the sum of on the first day of July, one thousand hundred and and the half yearly coupons hereto attached as the same shall severally become due.

Dated at Cobourg, this day of A.D.

[L.S.] *Mayor.*

Treasurer.

SCHEDULE "B."

(*Section 14.*)

By-law No. to authorize the issue of debentures under the authority of *The Cobourg Debenture Act, 1892.*

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as "Consolidated Debt Debentures," not exceeding the sum of $217,000 in the whole, as the corporation of the town of Cobourg may, in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable (*as the case may be*) with interest thereon at the rate of per cent. per annum, payable half yearly according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Cobourg, according to the last revised assessment roll of the said town, being for the year one thousand, eight hundred and was $

Therefore the municipal council of the town of Cobourg enacts as follows:—

1. Debentures under the said Act and for the purpose herein mentioned to be known as "Consolidated Debt Debentures," to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable half yearly on the first days of January and July in each year.

This by-law passed in open council, this day of in the year of our Lord one thousand, eight hundred and

SCHEDULE

SCHEDULE "C."

Debenture Debt of the Town of Cobourg on the 17th March, 1892.

For what purpose issued.	When issued.	When Due.	Numbers of Debentures.	Amount.	Total amount of each issue.	Rate of interest.
				$ c.	$ c.	per cent.
Municipal Loan Fund Debt, 36 Vict., c. 47	1st January, 1873	1st January, 1893	0001 to 0054	26,280 00	.....	5
					26,280 00	
Renewal of Consolidated Debt, 22 Vict., c. 72	1st July, 1879	1st July, 1899....	1 to 300	146,100 00	.....	6
					146,100 00	
Improvement of Cobourg Harbour, 36 Vict., c. 120	1st July, 1873	1st July, 1893....	462 to 476, 494-5-6	12,500 00	.....	8
" " "	1st July, 1874	1st July, 1894....	498 to 579.....	11,000 00	.....	8
" " "	1st January, 1875	1st January, 1895	523 to 531.....	8,500 00	.....	8
" " "	1st July, 1875	1st July, 1895....	532 to 538.....	5,500 00	.....	8
" " "	1st July, 1877	1st July, 1897....	542-3-4	1,491 00	.....	8
					38,991 00	
Bonus to Matting Factory, 39 Vict., c. 32.....	1st January, 1877	1st January, 1897	545 to 554.....	5,000 00	5,000 00	6
Total Debt.....	....	.....	.....	.....	216 371 00	

CHAPTER

CHAPTER 68.

An Act respecting the Dundas and Waterloo Macadamized Road.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS under and by virtue of an order of the Lieutenant-Governor in Council of the Province of Ontario, bearing date the 28th day of January, 1892, the Dundas and Waterloo macadamized road, situated within the township of West Flamborough, the township of Beverly, both in the county of Wentworth, the township of North Dumfries and the town of Galt, both in the county of Waterloo, was sold to the several municipal corporations of the township of West Flamborough, township of Beverly, township of North Dumfries, town of Galt and the town of Dundas, also in said county of Wentworth, for the sum of $7,500, payable in three equal annual instalments from the first day of January, 1892, with interest at 4 per cent. payable half yearly on unpaid principal, and the said several corporations have agreed amongst themselves upon an apportionment of said road, and of the purchase money as hereinafter mentioned; and whereas it is expedient to confirm said order, the sale made thereunder, the said apportionment of said road and of the said purchase money among each of said municipal corporations, and to grant to the said several corporations the powers hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of road confirmed.

1. The sale of the said, the Dundas and Waterloo macadamized road, and the apportionment of said road and of the purchase money among the several municipal corporations as herein recited and hereinafter mentioned, is hereby confirmed.

Municipalities to issue debentures for purchase money.

2. Each of the said several municipal corporations shall have the power and is hereby authorized and required to issue the debentures of the respective corporations for the payment of their respective shares or apportionment of the purchase money as hereinafter mentioned with coupons attached thereto for the payment of the interest on said purchase money and payable to the Provincial Treasurer of the Province of Ontario, said debentures to be signed by the mayor and treasurer of the town of Dundas, and the town of Galt, and the reeve and treasurer of the townships of Beverly, West Flamboro' and North Dumfries respectively, and sealed with the respective corporate seals of the said corporations.

Portion of road vested in town of Dundas.

3. On delivery by the said the corporation of the town of Dundas to the said Provincial Treasurer of the Province of Ontario of three of its debentures issued under the provisions of this Act for the respective sums of $383, $383 and $384, payable in one, two and three years from the 1st day of January, 1892, with coupons attached for the payment of interest at the rate of 4 per cent. payable half yearly from said 1st January, 1892, all that portion of the said Dundas and Waterloo macadamized road, situate and lying within the township of West Flamboro', commencing at the western boundary of the said town of Dundas and extending westerly to the west side of the stone toll-gate or toll-house on said road, together with the said toll-house and the land on which the said toll-house is situate or used therewith, shall be vested in the said corporation of the town of Dundas in fee simple.

Portion of road vested in township of Beverly.

4. Upon delivery by the said corporation of the township of Beverly to the said Provincial Treasurer of the Province of Ontario of three of its debentures issued under the provisions of this Act for the respective sums of $700 each, payable in one, two and three years from the 1st day of January, 1892, with coupons attached for the payment of interest at the rate of 4 per cent. payable half yearly from said 1st January, 1892, all that portion of the said Dundas and Waterloo macadamized road situate and lying within the limits of the said township of Beverly shall be vested in the said corporation of the township of Beverly in fee simple.

Portion of road vested in township of West Flamboro.

5. Upon delivery by the said corporation of the township of West Flamboro to the said Provincial Treasurer of the Province of Ontario of three of its debentures issued under the provisions of this Act for the respective sums of $700 each, payable in one, two and three years from the 1st day of January, 1892, with coupons attached for the payment of interest at the rate of 4 per cent., payable half-yearly from the said 1st January, 1892, all that portion of the said Dundas and Waterloo macadamized road, situate and lying within the limits of the township of West Flamboro' (except that portion thereof hereby vested in the corporation of the town of Dundas), shall be vested in the said corporation of the township of West Flamboro' in fee simple

Portion of road vested in township of North Dumfries.

6. Upon delivery by the said corporation of the township of North Dumfries to the said Provincial Treasurer of the Province of Ontario of three of its debentures issued under the provisions of this Act for the respective sums of $266, $267 and $267, payable in one, two and three years from the 1st day of January, 1892, with coupons attached for the payment of interest at the rate of 4 per cent. payable half-yearly from said 1st January, 1892, all that portion of the said Dundas and Waterloo macadamized road situate and

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lying within the limits of the said township of North Dumfries, saving and excepting any portion thereof which may by this Act be vested in the corporation of the town of Galt, shall be vested in the said corporation of the township of North Dumfries in fee simple.

Portion of road vested in town of Galt.

7. Upon delivery by the said corporation of the town of Galt to the said Provincial Treasurer of the Province of Ontario of three of its debentures issued under the provisions of this Act for the respective sums of $450 each, payable in one, two and three years from the 1st day of January, 1892, with coupons attached for the payment of interest at the rate of 4 per cent., payable half-yearly from said 1st January, 1892, all that portion of the said Dundas and Waterloo macadamized road described as follows, that is to say, commencing from the toll gate or toll house near the said town of Galt and extending north-west to the north-west corporation limit of said town of Galt, and also commencing from said toll gate or toll house and extending west to the corporation limit of said town of Galt, together with said toll house and the land on which said toll house is situated or used therewith, shall be vested in the said corporation of the town of Galt in fee simple.

Maintenance of portion outside corporation limits by Galt.

8. The corporation of the town of Galt shall have the power at all times to expend out of the general funds of the said town and pay all moneys necessary to maintain and keep in repair any portion of said road vested in the corporation of the town of Galt not within the limits of the said corporation of said town of Galt.

Sale of toll gates and lands appurtenant.

9. The said municipal corporations shall have the power to sell and convey by deed any toll-gates or toll-houses now erected on the several portions of said road, or formerly used as such, and such portions of the lands not forming a part of the regular allowance or width of road, on which the said toll-gates or houses are situated or used, or were formerly used, in connection therewith, vested in the said corporations respectively and not required for road purposes.

Maintenance of road by municipalities.

10. The several portions of said road, so vested in said respective corporations by this Act shall be for all time hereafter maintained by the said several corporations as a free road and no tolls shall be collected thereon.

CHAPTER

CHAPTER 69.

An Act to confirm By-law No. 288 of the Township of Elma.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the township of Elma have by their petition represented that on the 24th of September, 1891, there matured the sum of $19,000 being the balance of $30,000 of debentures issued by said corporation as a bonus to the southern extension of the Wellington, Grey and Bruce Railway, and that there was only on hand the sum of $7,000 to meet the same, and that the council of the said township prepared and submitted to the qualified electors in accordance with the provisions of *The Municipal Act*, a certain by-law, which is set out in the schedule to this Act, to provide for the issue of $12,000 of debentures for the purpose of retiring those maturing as aforesaid, and that said by-law was duly approved by the electors of said township, and no steps have been taken to quash the same; that they have since learned that said by-law is invalid as being beyond the competency of said corporation; and that it is necessary to obtain an Act to ratify and validate the same, and the debentures to be issued thereunder, and have prayed that such an Act may be passed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law and debentures confirmed.

1. By-law No. 288 of the corporation of the township of Elma set out in the schedule to this Act, is hereby legalized and confirmed, and the debentures issued, or to be issued thereunder, are also declared legal, valid and binding upon the said corporation.

SCHEDULE

By-law No. 288 of the township of Elma, to raise the sum of $12,000 for the purpose of paying certain maturing railway debentures of the municipality, and to authorise the issue of debentures therefor.

Whereas certain railway debentures of the said municipality will mature on the 24th day of September, A.D. 1891, and it is necessary to raise the sum of $12,000 for the purpose of paying the same, and in order thereto it will be necessary to issue debentures of the municipality of

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the township of Elma for the sum of $12,000, payable as herein provided; and whereas it is desirable to make the principal of the said debt, hereby created payable by annual instalments during the currency of the period of twenty years within which said debt is to be discharged, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of said period; and whereas for that purpose it will be requisite to raise the several sums in each year respectively hereinafter set forth in this by-law; and whereas the amount of the whole ratable property of the said municipality of Elma, according to the last revised assessment roll of the municipality amounts to the sum of $1,513,990; and whereas the existing debenture debt of the said municipality amounts to the sum of $25,000, and no principal or interest is in arrear.

Therefore the municipal council of the corporation of the said township enacts as follows:—

1. It shall be lawful for the reeve of the said municipality of the township of Elma, for the purposes aforesaid to borrow the said sum of $12,000 and to issue debentures of the said municipality to the amount of $12,000, in sums of not less than $600 each, payable in the manner for the amount, and at the times respectively set forth in the schedule to this by-law.

2. The said debentures as to principal and interest shall be payable at the agency of the Bank of Hamilton in the town of Listowel.

3. It shall be lawful for the reeve of the said municipality and he is hereby authorized and instructed to sign and issue said debentures hereby authorised to be issued, and to cause the same, and each coupon attached thereto, to be signed by the treasurer of the said municipality; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on all the ratable property in the said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same becomes respectively payable according to the following schedule to this by-law, that is to say:—

In twenty equal annual payments of $600 each, with interest thereon at the rate of five per centum per annum, payable in each of the years 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910 and 1911.

5. This by-law shall take effect on the eighteenth day of July, A.D. 1891.

6. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say, on the eleventh day of July next at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, and the persons also hereinafter named shall be returning officers, to take votes at the respective polling places hereinafter set forth, that is to say:—

Electoral Division No. 1, Cosens' workshop; Charles Cosens returning officer.

Electoral Division No. 2, Grange Hall, lot 15, con. 4; Wm. Shearer, returning officer.

Electoral Division No. 3, Orange Hall, Britton; William Stevenson, returning officer.

Electoral Division No. 4, Orange Hall, Newry; Thomas Fullarton, returning officer.

Electoral Division No. 5, Orange Hall, Donegal; Jas. Dickson jr., returning officer.

Electoral Division No. 6, Davie's school house; J. R. Hammond, returning officer.

Electoral Division No. 7, Lambert's school house; Ferdinand Doering, returning officer.

7. On Wednesday, the twenty-fourth day of June, A.D 1891, the reeve shall attend at the clerk's office, Atwood, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively on the behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The clerk of the Council of the said municipality shall attend at the clerk's office in the village of Atwood on Saturday the eleventh day of July, A.D. 1891, at seven o'clock in the afternoon, and sum up the number of votes given for and against this by-law.

This by-law passed in open council this eighteenth day of July, A.D. 1891.

[L.S.] (Sd.) ROBERT CLELAND,
Reeve.

(Sd.) THOMAS FULLARTON,
Clerk.

CHAPTER

CHAPTER 70.

An Act to incorporate the Town of Fort William.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the district hereinafter described is rapidly increasing in population and is becoming a manufacturing point and shipping port of considerable importance and whereas it is necessary to incorporate the said district as a town in order to promote its future progress and prosperity and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas in order to incorporate the said district it will be necessary to separate the same from the township of the municipality of Neebing in the district of Thunder Bay; and whereas the council of the municipality of Neebing have by their petition represented that they are willing to consent to said incorporation of the said district as the town of Fort William; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. On and after the passing of this Act, the district hereinafter described shall be separated from the municipality of Neebing, and the inhabitants thereof shall be, and they hereby are, constituted a corporation or body politic, under the name of "The corporation of the town of Fort William," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns and by towns separated from counties for municipal purposes in the Province of Ontario, under the existing municipal laws of the said Province except where otherwise provided by this Act.

Limits of town.

2. The said town of Fort William shall consist of the lands lying within the limits described as follows, that is to say:—Commencing at the water's edge of Thunder Bay at the present boundary line separating the town of Port Arthur from the municipality of Neebing, thence running due west astronomically along said boundary line, and continuing due west in same direction along the boundary line between the townships of McIntyre and Neebing, to the dividing line between lots ten and eleven of said township of Neebing, north of the Kaministiquia river, thence due south astronomically along said dividing line to the water's edge of the Kaministiquia river; thence following the course of the Kaministiquia river to where same divides into one of its mouths, known as

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the Mission river; thence following said Mission river to the water's edge of Thunder Bay; thence northerly along the water's edge of Thunder Bay in front of the township of Neebing Additional to the place of beginning; together with the land and lands covered by water lying east of the township of Neebing Additional, and the west boundary of the municipality of Shuniah.

Wards.

3. The said town shall be divided into four wards, to be called respectively the first, the second, the third, and the fourth ward, which said wards shall be respectively composed and bounded as follows:—The first ward shall be composed of that portion described as follows: All that part of the territory hereby incorporated lying north of the dividing line between concessions 3 and 4 in the township of Neebing and in Neebing Additional, to the north of the line in continuation of the said dividing line till where same meets Dease street, thence following said Dease street to Hardisty street, thence from the junction of Dease and Hardisty street in a straight line to the water's edge of the Kaministiquia river, and touching the south-east corner of the annex of elevator "A," thence following the course of the Kaministiquia river to the eastern boundary of said municipality. The second ward shall be composed of that portion described as follows:—All that portion lying north of the dividing line between concessions 2 and 3 of the township of Neebing and continuing in a straight line through the township of Neebing Additional, or along Arthur street to the water's edge of the Kaministiquia river; thence following the course of the Kaministiquia river to where same intersects the westerly boundary of ward 1. The third ward shall be composed of that portion described as follows:—All that territory lying to the south of ward two and to the north of the following line, namely, commencing at the westerly boundary of the said town at a point where the concession line between concessions 1 and 2 of Neebing joins the said westerly boundary; thence along said dividing line between said concession 1 and 2 to the westerly boundary of the township of Neebing Additional, thence following the westerly boundary of the township of Neebing Additional due south to the Kaministiquia river; thence following the Kaministiquia river to where same divides into the McKellar branch thereof; thence following the McKellar branch to the easterly boundary of the said town. The fourth ward shall be composed of that portion described as follows:—All the remainder of the said town of Fort William incorporated by this Act.

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Fort William in the

same

same manner as if the said district had been an incorporated village and had been erected into a town under the provisions ofe said Act.

Nomination for first election.

5. On the twelfth Monday after the passing of this Act it shall be lawful for Edward S. Rutledge, or the acting clerk of the municipality of Neebing for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Fort William for at least one week, to hold the nomination for the first election of mayor and councillors at the school house in the said town of Fort William, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall, at the said nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each deputy returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal law of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of the township of Neebing to furnish copy of assessment roll.

7. The clerk of the municipality of Neebing shall, upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the said persons entitled to vote in each of the said wards at the first election, when the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copies shall be verified on oath.

Council.

8. The council of the said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and eight councillors, two councillors for each ward, who shall be residents of the ward and they shall be organized as a council on the same day of the week

next

next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils and shall be subject to all the liabilities and duties imposed by the said municipal laws upon such councils.

Oaths of office and qualification.

9. The several persons who shall be elected or appointed under this Act, shall take the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected and appointed to like offices in towns.

Qualification at first election

10. At the first election of mayor and councillors for the said town of Fort William, the qualification of electors shall be the same as that required in the municipality of Neebing, but at all subsequent elections the qualification of electors shall be the same as that required by incorporated towns in the Province of Ontario, under the municipal law of the said Province.

Expenses of Act.

11. All expenses incurred in obtaining this Act and the furnishing of any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the said town of Fort William, or otherwise, shall be borne by the said town and paid by it to any person entitled thereto.

By-laws continued.

12. All by-laws and municipal regulations which are in force in the township of Neebing, shall continue and be in force as if they had been passed by the corporation of the town of Fort William, and shall extend to and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

School trustees.

13.—(1) The said returning officer shall, at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act, 1891.* 54 V. c. 5

(2) The first meeting of the board of public school trustees for the town of Fort William shall be held on the Wednesday of the week next following the week of the polling, or if there be no polling on the Wednesday of the week next following the week of the nomination, at noon, when the school trustees heretofore exercising jurisdiction in the district incorporated into the town of Fort William shall cease to exist to exercise any jurisdiction in said town, and the school trustees of the late school board shall hand over unto the new board of trustees all moneys and properties belonging to the said schools in the said town.

14.

Property and liabilities of Neebing.

14. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Neebing shall be apportioned between the said municipality of Neebing and the said town of Fort William, as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Neebing and the town of Fort William, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities.

Collection of taxes in arrears.

15. Arrears of taxes due to the municipality of Neebing in respect of lands within the limits of the town of Fort William as hereby incorporated shall be collected and managed in the same way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to the sale of lands for arrears of taxes whether the same accrued before or after the incorporation of the town of Fort William or to deeds given therefor shall apply to the said corporation of the town of Fort William, and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor.

Assessment roll for 1892.

16. The assessment roll as now being prepared and completed by the assessors of the municipality of Neebing for the year 1892 from the first day of January to the thirty-first day of December in the year 1892 shall so far as the same affects lands within the limits of the said town be valid to all intents and purposes as if the said assessors had been appointed by the council of the said town of Fort William and the subsequent assessment rolls of the said town of Fort William shall be prepared and completed in the same manner and be subject to revision as assessment rolls in towns in the Province of Ontario.

Taxes to be expended in ward where levied.

17. All taxes except for debenture debts levied in any ward of the said town, shall, except ten per centum thereof and the expenses of collection, be expended within the ward in which

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the same are levied on streets and other municipal works and improvements necessary in the said ward. Provided, however, that all taxes except for such debenture debt, and ten per centum and the expenses of collection levied on property forming a part of the islands, situated between the mouths of the Kaministiquia river and within the limits of the said town, shall be expended on streets and other municipal works and improvements upon such islands.

Local improvements

18. All expenditure in the municipality for any class of improvements and services for which special provisions are made in sections 612 to 624 both inclusive, of *The Municipal Act*, as re-enacted by section 38 of *The Municipal Amendment Act, 1890*, shall be provided for by special assessments on the real property benefited and not by law exempt from taxation, such assessments and improvements to be made under the provisions of said sections, as if a by-law had been passed by the council of the municipality with the assent of the electors under the provisions of section 625 of the said Act.

53 V. c. 50, s. 38.

53 V. c. 91 and 54 V. c. 75 not affected

19. Nothing contained in this Act shall affect an *Act respecting certain by-laws of the municipality of Neebing*, passed in the 53rd year of Her Majesty's reign and chaptered 91, nor affect the *Act amending the law respecting the municipality of Neebing*, passed in the 54th year of Her Majesty's reign and chaptered 75, but the said Acts shall continue in full force and effect, nor shall anything contained in this Act disturb or alter any agreement or arrangement now existing between the municipality of Neebing and the Canadian Pacific Railway Company.

Extension of electric railway.

20. The town of Port Arthur shall have all the rights of extending the electric street railway into the town of Fort William in the same manner, and to the same extent that the said town of Port Arthur would have of extending the said railway into the municipality of Neebing under the terms of the Act passed at the present session of the legislature, entitled "An Act respecting the town of Port Arthur."

Rights of creditors of Neebing protected.

21. Nothing contained in this Act shall free the lands and the lands covered by water comprising the municipality of the town of Fort William, hereby formed, from any liability now existing against the municipality of Neebing, and the creditors of the said municipality of Neebing shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Neebing.

Inconsistent provisions of law relating to Neebing not to apply.

22 All provisions of law relating to the municipality of Neebing and inconsistent with this Act, shall not apply to the town of Fort William, or the land within the limits of the said town.

CHAPTER

CHAPTER 71.

An Act to consolidate the Debt of the Town of Goderich.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the town of Goderich, have by their petition represented that they have incurred debts and liabilities for the purpose of paying the municipal loan fund indebtedness, purchasing an electric light plant, a public park and an agricultural park and hall, erecting additional buildings to convert the high school into a collegiate institute, the construction of waterworks and other public improvements to the extent of $139,932.22, for which amount debentures have from time to time been issued, and $38,492.22 has been paid on the principal thereof, and there is on hand now the sum of $9,295.67 as a sinking fund applicable on the said debenture indebtedness, leaving as the balance now due on account of such indebtedness the sum of $92,147.79, and there is no interest in arrear; and whereas the said corporation have incurred a floating debt of the sum of $19,000 in addition to the ordinary expenses of the corporation, for the payment of which no fund has been provided, which said floating debt was incurred in the completion of the waterworks, the electric light system and the agricultural park and hall, all of which exceeded the estimated cost for which debentures had been duly issued; and whereas the said corporation have represented that the payments to be made on account of the said debenture debts and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of $92,147.79, and the said floating debt of $19,000 may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at $111,147.79.

1. The said debts of the said town of Goderich are hereby consolidated at the sum of $111,147.79, and it shall be lawful for the corporation of the said town of Goderich to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures, amounting to $110,144.33 as they respectively become due, and to pay off the other debts, amounting to $111,147.79 exclusive of interest thereon.

2.

Issue of debentures for $111,147.79 authorized.

2. It shall be lawful for the said corporation of the town of Goderich, from time to time, to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer, or the time being, in such sums of not less than $100, and not exeeeding $111,147.79 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debenturees.

3. The corporation of the said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures, from time to time, as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Debentures to be payable yearly.

5. A portion of the said debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty years from the first day of December, 1892, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Goderich to the amount of $92,147.79 and in payment of the said debt of $19,000, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Power to call in outstanding debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, and the said sum of $9,295.67 being the said sinking fund on hand, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

9. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Goderich to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act.*

Rev. Stat. c. 184.

Treasurer to keep book showing state of debenture account.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liabilities not affected.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Goderich from any indebtedness or liability which may not be included in the said debt of the said town of Goderich.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

14.

14. Any provisions in the Act respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent provisions in municipal Acts not to apply.

Informalities not to invalidate debentures.

15. This Act may be cited as "*The Goderich Debenture Act, 1892.*" Short title.

SCHEDULE A.

(*Section 13.*)

No. CONSOLIDATED DEBT DEBENTURE. $

Province of Ontario, Town of Goderich.

Under and by virtue of *The Goderich Debenture Act, 1892*, and by virtue of by-law No. of the corporation of the town of Goderich, the corporation of the town of Goderich promise to pay the bearer at in the sum of on the first day of December, one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Goderich this day of A.D.

[*Corporate Seal.*] *Mayor.*

Treasurer.

SCHEDULE B.

(*Section 13.*)

By-law No. to authorize the issue of debentures under the authority of *The Goderich Debenture Act, 1892.*

Whereas

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of $ in the whole, as the corporation of the town of Goderich may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable on the day of and on the day of (*or as the case may be*), with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Goderich, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was ;

Therefore the municipal council of the corporation of the town of Goderich enacts as follows;—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly, on the first day of December in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

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CHAPTER 72.

An Act to amend an Act respecting the Public Burying Ground in the City of Guelph.

[*Assented to 14th April, 1892.*

Preamble. WHEREAS by the Act passed in the 42nd year of Her Majesty's reign, chaptered 88, it was enacted that it should be lawful for the corporation of the town of Guelph (now the city of Guelph) to have and to hold the parcel of land therein described, known as the burying ground in the said town, and that after the passing of the said Act the said land should become and be vested in the said town of Guelph, and should be used and enjoyed as a public park;

provided,

provided, however, that if thereafter the said land should be diverted to any other use or purpose than that of a public park, the right (if any) therein or thereto, had or claimed by the township of Guelph, should not be considered as affected or prejudiced by the said Act; and whereas the corporation of the city of Guelph have by their petition represented that they have settled with the corporation of the township of Guelph for any right of that township in or to the said burying ground, and have procured a quit claim deed to be executed by the said township to the said city of the said burying ground, and they have by their said petition prayed that an Act may be passed to amend the said Act herein recited so as to vest the said burying ground absolutely in the corporation of the said city for the purposes of the said city, with power to lease or sell the whole or any part of the same, and upon such terms as the city council may consider proper, and to legalize and confirm the lease dated the 24th day of December, 1891, made by the said corporation of the city of Guelph to the Guelph Curling and Skating Rink Company (limited) of part of the said burying ground; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Burying ground vested in city of Guelph for park purposes

1. The said burying ground is hereby absolutely vested in the corporation of the said city of Guelph for the purposes of the city, to be used and enjoyed either as a public park or for any other purpose the city council may from time to time determine, with power to the said city, by the council thereof, to lease or sell and absolutely dispose of the whole or any part of the said burying ground from time to time, and upon such terms as the city council may consider proper, and to execute valid leases and conveyances from time to time in pursuance of and in exercise of the said powers.

Lease of burying ground confirmed.

2. The lease, dated the 24th day of December, A.D. 1891, made by the said corporation of the city of Guelph to the Guelph Curling and Skating Rink Company (limited), and set out in Schedule "A" to this Act, of part of the said burying ground, is hereby legalized and confirmed and declared to be valid and binding upon the parties thereto.

SCHEDULE

SCHEDULE "A."

(Section 2).

This Indenture made this twenty-fourth day of December in the year of our Lord, one thousand, eight hundred and ninety-one, in pursuance of the Act respecting short forms of leases between the corporation of the city of Guelph (hereinafter called "the corporation" of the first part, and the Guelph Curling and Skating Rink Company (Limited), hereinafter called "the company" of the second part. Whereas by letters patent of the Province of Ontario, bearing date the eighth day of August A.D. 1891, issued under the great seal, of the said Province incorporation was granted to the said company, under the provisions of chapter 157, of the Revised Statutes of Ontario, 1887, entitled *The Ontario Joint Stock Companies' Letters Patent Act,* and whereas the said company have applied to the said corporation to demise and lease to them, the said company, all the right, title and interest of the said corporation, in and to the lands hereinafter mentioned for the price or sum of fifty dollars per annum for thirty years renewal as hereinafter mentioned, such lands while so leased to be used by the said company for the purpose of erecting and maintaining thereon, a curling and skating rink and building for other similar amusements and for public meetings, and the said corporation have agreed to lease the same to the said company upon the terms above mentioned; and whereas the lands hereinafter dercribed, form part of what is known as the old burying ground, in the city of Guelph; and whereas under the act of the Legislature, of the Province of Ontario, entitled *An Act Respecting the Public Burying Ground in the Town of Guelph,* being chapter 88 of 42 Victoria, it is enacted amongst other things, that the said burying ground should be had and held by the said corporation of the town of Guelph, (now the corporation of the city of Guelph) and that after the passing of the said act, the said lands should become and be vested in the said corporation and should be held, used and enjoyed as a public park, but it is further provided in the said Act, that if thereafter the said land is diverted to any other use or purpose than that of a public park, the right (if any) therein or thereto, had or claimed by the township of Guelph should not be considered as affected or prejudiced by the said Act; and whereas by deed dated the second day of June, A.D. 1891, the corporation of the township of Guelph, for the consideration therein expressed, did in pursuance of a by-law passed by the council of the last mentioned corporation on the thirtieth day of May, 1891, grant, release and quit claim unto the corporation of the city of Guelph, their successors and assigns, all the estate, right, title, interest, claim and demand, whatsoever both at

law

law or in equity or otherwise, howsover and whether in possession or expectancy of them, the said corporation of the township of Guelph, of, into or out of all and singular, the said burying ground above mentioned; and whereas the municipal council of the corporation of the city of Guelph, deem it expedient in so far as they have the power so to do, to divert the portion of the said old burying ground hereinafter mentioned to the use and purpose of having erected thereon, a curling and skating rink and a place for similar amusements and for public meetings, and have accordingly agreed to accept the said offer made by the said company, to lease the said city's interest in the portion of the said burying ground hereinafter described, but subject to the provisions hereinafter mentioned. Now this indenture witnesseth, that for and in consideration of the yearly rent, covenants and conditions hereinafter expressed, the said corporation, in so far as they have the power so to do, do hereby demise and lease unto the said company, their successors and assigns, for the purposes aforesaid, all the right, title and interest of the said corporation, of, in and to the lands hereinafter described, that is to say, in all and singular, that certain parcel or tract of land and premises situate, lying and being in the city of Guelph, in the county of Wellington, being that part of the property known as the burying ground, in the city of Guelph, which may be described as follows:—Commencing at the south easterly corner of the said burying ground, at a point so as to leave a street fifty feet in width betwen the said south east corner and the rear of the lots facing on Quebec street; thence south westerly parallel to Quebec street two hundred and ninety-three feet, more or less, to a point at or near the south westerly corner of the said burying ground, but so as to leave a street fifty feet in width between the said corner and the rear of the Quebec street lots and between the said corner and the rear of the Yarmouth street lots; thence north-westerly parallel with Yarmouth street one hundred and fifty feet; thence north-easterly parallel with Quebec street, to a point fifty feet from the rear of lots fronting on Wyndham street; thence south-easterly one hundred and fifty feet, more or less, to the place of beginning, it being the intention that there shall be left on the three sides of the said parcel a street fifty feet in width, namely, on the easterly or north-easterly side on the south-easterly side and on the south-westerly side and that the parcel hereby conveyed, shall immediately adjoin the reservation for said three streets so as to have three frontages thereon. To hold the said estate or interest of the said corporation in the said parcel of land with the appurtenances unto the said company, their successors and assigns, from the thirty-first day of December, in the year of our Lord, one thousand, eight hundred and ninety-one, for, during and until the day of December, in the year of our Lord, one thousand, nine hundred and twenty-one, renewable as herein-

after

after mentioned; yielding and paying therefor yearly, and every year during the said term of thirty years unto the said corporation, their successors and assigns, the clear yearly rent or sum of fifty dollars of lawful money of Canada, on the thirty-first day of December, in each and every year during the said term without any deduction, defalcation or abatement therefrom, for or in respect of any taxes, charges, rates or assessments whatever, either now or hereafter, to be taxed, charged, rated or assessed on the said lands or any part thereof, or for or on account of the same. The first payment of such rent to become due and to be made on the thirty-first day of December, one thousand, eight hundred and ninety-two.

1. That the said company covenant with the said corporation to pay rent.

2. And to pay taxes.

3. And to repair.

4. And to keep up fences.

6. And that the said corporation may enter and view state of repair, and that the said company will repair according to notice.

7. And will not assign or sub-let without leave.

8. And that the company will leave the premises in good repair.

9. Proviso for re-entry by the said corporation on non-payment of rent or non-performance of covenants.

10. The said corporation covenant with the said company for quiet enjoyment in so far as the said corporation may have power to lease, and no further.

And the said company, for themselves, their successors and assigns, covenant with the said corporation that they, the said company, their successors and assigns, shall and will well and truly maintain and keep all buildings to be erected upon the said premises, as hereinafter mentioned, in good and substantial repair, and deliver the same up to the corporation at the end, or sooner determination, of the term hereby created, and at the end of every renewal thereof (if any) in good and substantial repair, together with all things in the nature of or usually considered landlord's fixtures, which at any time during the term shall be affixed and belong to the premises: Provided always that if the said rent hereby reserved, or any part thereof, shall be in arrear for twenty-one days after any one of the days appointed for payment thereof, as aforesaid, whether the same shall be lawfully demanded or not, or if the said company, their successors or assigns, shall assign or sub-let the said premises without such leave as aforesaid, or in case of the breach of any of the covenants in this lease contained, or if the company become insolvent or go into liquidation, or if the term hereby created, or any renewal thereof,

shall

shall be seized or taken in execution or attachment, then, and in any of the said cases, it shall be lawful for the said corporation, into or upon the said premises, or any part thereof, in the name of the said corporation, to re-enter, and the same to have again, re-possess and enjoy as in their first estate, and the said company and their successors and assigns, and all persons claiming under them, or any of them, and all other persons thereout, to expel, put out and remove anything herein contained to the contrary notwithstanding. And the said company hereby covenant with the said corporation that they, the said company, shall, on or before the thirty-first day of December, in the year of Lord one thousand eight hundred and ninety-three, at the expense of the said company, and in a good substantial and workmanlike manner, erect, build and speedily finish fit for use, upon the said lands, a good and substantial building for the purpose of a curling and skating rink, and for similar uses, and for public meetings, as aforesaid. And it is hereby provided that if the said company shall not complete the said building on or before the said thirty-first day of December, 1893, or shall not proceed with the erection thereof with proper diligence, then it shall be lawful for the said corporation, if they see fit, to re-enter upon the said parcel of land and take possession thereof, and of all the buildings and materials which may be thereon, and retain the same as their absolute property. And the said company also hereby covenant with the said corporation that they, the said company, their successors and assigns, will, upon the completion of the said buildings, insure the same to at least two-thirds of the value thereof, in the joint names of the corporation and the company, in some public fire insurance company to be approved of by the corporation, and will during the said term, and every renewal thereof (if any) keep the same so insured, and, upon the request of the corporation, from time to time, produce to them the policy of such insurance and the receipt for the premium for the then current year, and if such buildings, or any part thereof, shall be destroyed or damaged by fire, will forthwith rebuild or reinstate the same under the direction of the said corporation or their engineer. And also that the said company will use the buildings so to be erected for the purpose of a curling and skating rink, and for similar uses, and for public meetings, and will not, without the consent in writing of the corporation, exercise or carry on, or permit or suffer to be exercised or carried on upon any part of the premises hereby demised, or upon the buildings to be erected thereon, any trade or business whatsoever, but shall only use, or permit the same to be used, for the said purpose of a curling and skating rink and similar uses, and for public meetings, and that any default or neglect in keeping, or omitting to be kept, any of the provisions of this covenant shall entitle the said corporation to forthwith forfeit and determine the said term, or any renewal therof, and to eject and expel the

company

company from the said premises and to take possession thereof for their own uses. And the said corporation hereby covenant and agree with the said company that immediately after the expiration of the said term of thirty years, provided the said company shall have kept all the covenants on their part and shall have given to the said corporation three months previous notice in writing of their desire to renew this lease, they, the said corporation, shall and will, at the expense of the said company, grant another lease of all their right, title and interest in the said hereby demised premises with their appurtenances, containing the like covenants, agreements, provisos and conditions expressed in this lease, and at and under a certain yearly rent, payable yearly, the amount whereof shall be ascertained in manner following, that is to say: to be fixed and determined upon and declared by two appraisers to be named and appointed, one of them by the said corporation, the other by the said company, their successors or assigns, with power to them, the said appraisers, to name and call in a third if they cannot agree. And also that at the end of such renewed term so to be granted as aforesaid, the said corporation, provided the said company shall have kept all the covenants on their part and shall have given to the said corporation three months previous notice in writing of their desire to renew this lease, shall and will grant a further renewed lease to the said company, their successors and assigns, of a further term of thirty years, on the same terms and conditions as hereinbefore provided for the first renewal thereof, the amount of rent to be ascertained by the appraisers in the order and form above provided and set forth. And the said company hereby covenant and agree with the said corporation to accept and receive such renewed lease as aforesaid, and to pay such rent as shall be by such appraisers fixed as the proper yearly rent during the said renewal, terms as aforesaid, and observe and keep all the covenants of such renewal lease. And it is also understood and agreed that at the expiration of ninety years from the date of this indenture the buildings and erections upon the said premises, which shall in the meantime be kept in good repair by the said company shall be and become the absolute property of the said corporation without any compensation whatever to be paid by them therefor. And also that the said corporation shall have the right at the expiration of either of the first two terms of thirty years to take over and buy from the said company the buildings on the said premises, and to extinguish the rights of the said company under this lease therein, such valuation to be made by appraisers to be appointed as hereinbefore mentioned in respect of the renewal rent as aforesaid. And it is also understood and agreed between the said parties that in case the said corporation shall decide to sell their interest in the said lands the said company shall have the first right to purchase the same.

In

In witness whereof the said corporation have hereunto affixed their corporate seal, and the hands of the mayor and clerk thereof, and the said company have hereunto affixed their corporate seal, and the hands of their president and secretary.

(Signed) THOMAS GOLDIE,
Mayor.

[L.S.]

RICHARD MITCHELL,
City Clerk.

THOS. GOWDY,
President.

WM. W. MACALISTER,
Secy.-Tres.

[L.S.]

CHAPTER 73.

An Act to amend an Act respecting the Township of Harvey in the County of Peterborough.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the county of Victoria have by their petition represented that prior to the passing of the Act passed in the 42nd year of Her Majesty's reign, chaptered 47, the travelled road constituting or used as a boundary line between the counties of Peterborough and Victoria and the travelled road deviating therefrom and traversing the village of Bobcaygeon, together with the several bridges on the said roads, were maintained jointly by the said counties; and whereas disputes have since arisen between the said counties with reference to said bridges and it is desirable to settle such differences.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 V. c. 47, s. 2, amended.

1. The Act passed in the 42nd year of Her Majesty's reign chaptered 47, is hereby amended by adding thereto the following as section 6 thereof:—

Maintenance of certain bridges

6. The bridges known as the "Big Bob" or North Bridge, the "Forest House Bridge" and the "Little Bob Bridge" on the travelled road traversing the village of Bobcaygeon,

and

and the bridge in the township of Emily known as the Pigeon Creek Floating Bridge shall be maintained by the counties of Victoria and Peterborough, and the said counties shall contribute to the maintenance of all the said bridges in such proportion as may be agreed upon, and in case of disagreement each of the said counties shall appoint an arbitrator, and the Chancellor or a Chief Justice of either Division of the High Court of Justice shall appoint a third arbitrator, and the proportion that each of the said counties shall contribute towards the maintenance and repair of the said bridges shall be settled and determined by the award of the said arbitrators, or a majority of them, under and in accordance with the provisions of *The Municipal Act.*

Rev. Stat. c. 184.

CHAPTER 74.

An Act respecting the City of London and the West Ontario Pacific and certain other Railway Companies.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the city of London has, by its petition represented that a certain agreement was, on the twentieth day of August 1891, made between the West Ontario Pacific Railway Company, the Ontario and Quebec Railway Company, the Canadian Pacific Railway Company and the corporation of the city of London, in reference to the working of a portion of the line of the said railway companies, the establishment at the city of London of certain car and machine shops and the granting to the said companies by the said corporation of a bonus of $25,000, that debentures to provide for the payment of the said bonus have been issued by the corporation of the city of London under by-law No. 302 of the said city, passed on the 6th day of September, 1886, and that to remove doubts as to the validity of the said agreement and debentures, it is expedient to confirm the same by legislation and have prayed for the passing of an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition, so far as the said matters are within the legislative authority of the Legislature of the Province of Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said agreement, bearing date the twentieth day of August, 1891, between the West Ontario Pacific Railway Company, the Ontario and Quebec Railway Company, the Canadian Pacific Railway Company and the corporation of the city of London (a copy whereof is set forth in the schedule to this Act) is hereby confirmed and declared to be binding upon the several parties thereto according to the several terms thereof Agreement confirmed.

2. The said debentures to provide for the payment of the said bonus of $25,000, which have been issued by the said corporation of the city of London, under the said by-law No. 302 of the said city, passed on the sixth day of September, 1886, and in the said agreement by mistake referred to as passed on the 2nd day of August, 1886, are hereby confirmed and declared to be valid and binding upon the several parties thereto, according to the terms thereof. Debentures under by-law 302 confirmed.

SCHEDULE.

(*Section 1.*)

Articles of agreement made this twentieth day of August, in the year of our Lord one thousand eight hundred and ninety-one, between the West Ontario Pacific Railway Company, the Ontario and Quebec Railway Company and the Canadian Pacific Railway Company (hereinafter called the companies) of the first part; and the corporation of the city of London (hereinafter called the corporation) of the second part;

Witness that the companies covenant and agree with the corporation that the city of London shall be the chief divisional point on the line of railway of the companies between Toronto Junction and the River Detroit, and the Detroit River and the Niagara frontier.

1. That all the freight train and local passenger train hands and crews, and engines and crews employed in or for the working or operation of the said railway between Toronto Junction and the River Detroit, and the Detroit River and the Niagara frontier, shall for all time to come change or be changed at the said city of London, in the usual course of the operation of the said railways, and that all the said employees shall reside permanently, in the usual course of the operation of the said railways, at the said city of London.

2. That the companies shall forthwith erect and furnish with machinery requisite for the same a machine shop of at least eighty feet frontage on Central avenue in the said city of London, and with a depth of at least forty feet and will thereafter maintain the same.

3.

3. That the companies will, in the event of their building at any time car and machine shops or either of them (for the manufacture of cars or locomotives) on any part of the division of their line of railway between Toronto Junction and the River Detroit, or the River Detroit and the Niagara frontier, locate and build and maintain the same in the said city of London.

The corporation has given to the companies, in consideration of the covenants on their part herein contained, a bonus of $25,000, and the companies bind themselves to the corporation for the performance of the said covenants in the said sum of $25,000, and in the event of a breach of all the said covenants, the corporation shall be entitled to recover from the companies as liquidated and ascertained damages, the said sum of $25,000, and in the event of a breach of some only of the said covenants, $25,000 shall be taken to be the value to the corporation of the benefits to be derived from the performance of all the said covenants and the damages shall be assessed on that basis.

These articles of agreement are executed in pursuance of the provisions of by-law No. 302 of the said corporation, passed on the second day of August, A.D. 1886, to provide for granting a bonus of $25,000 to secure the making of London the chief divisional point on the line of the Canadian Pacific Railway Company's proposed line between Toronto and the River Detroit.

In witness whereof the said companies and the said corporation have caused to be affixed hereto their respective corporate seals, and the presidents of the said companies have set their hands, and the mayor of the said corporation has set his hand the day and year first above written.

Signed, Sealed and Delivered in presence of.

T. G. SHAUGHNESSY.
President the West Ontario Pacific Railway Co. [L.S.]

EDMUND B. OSLER.
President the Ontario and Quebec Railway Co. [L.S.]

T. G. SHAUGHNESSY.
Vice-President the Canadian Pacific Railway Co. [L.S.]

GEORGE TAYLOR.
Mayor. [L.S.]

CHAPTER

CHAPTER 75.

An Act to incorporate the Town of Mattawa.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS what is known as the unincorporated village of Mattawa, composed of certain portions of the townships of Mattawa and Papineau, in the district of Nipissing, and situated on the line of the Canadian Pacific railway, is one of the most important distributing points of the large lumbering districts of the Upper Ottawa river, and tributaries, and from its central geographical position with regard to those districts, the opening up of large lumbering operations in its vicinity, and the likelihood of increased railway facilities, will it is expected rapidly increase and become an important business centre; and whereas the inhabitants of the said village have by their petition represented that the incorporation of the said village as a town, would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the care, protection and improvement of property; and whereas it is expedient to grant the prayer of said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. On and after the passing of this Act, the said village of Mattawa, shall be and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Mattawa," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act

Boundaries of town.

2. The said town of Mattawa shall comprise and consist of the town plots of Mattawa, Rankinville and Rosemount, according to the registered plans thereof, and lot number 14 and the east and west halves of lot number 15, in the 14th concession of the township of Papineau, in the district of Nipissing.

Wards.

3. The said town shall be divided into three wards, to be called respectively the "Rankin," "Timmins" and "Taggart" wards, bounded as follows:—Rankin ward, by the boundaries of the said town plot of Rosemount. Timmins ward, on the north by the Ottawa river: on the west by the Mattawa river

from

from the Ottawa river, to West Street in Rankinville; on the south by the said West Street and the western boundary of lot 15, in concession 14, of the township of Papineau; on the east, commencing at the south-western corner of lot 15, in concession 14, of the said township of Papineau; thence easterly along the southern boundary of lots 14 and 15, to the side line between lots 13 and 14, in said 14th concession of Papineau; thence north-westerly along said side line to John Street; thence north-easterly along John Street to Wood Street; thence easterly along Wood Street to McConnell Street; thence northerly along McConnell Street to Pine Street; thence westerly along Pine Street to Bangs Street; thence northerly along Bangs Street to the Ottawa river. Taggart ward, on the north by the Ottawa river; on the south by the portion of Wood Street lying between McConnell and Dorion Streets; on the east by Dorion Street; on the west by that portion of McConnell Street extending from Wood Street to Pine Street; thence along Pine Street to Bangs Street; thence northerly along Bangs Street to the Ottawa river.

Municipal laws to apply.

4. The provisions of the Revised Statutes of Ontario, 1887, and amending Acts, respecting municipal institutions, with regard to matters consequent upon the formation of new municipal corporations, and the other provisions of the said Statutes, shall, except so far as herein otherwise provided, apply to the said corporation of the town of Mattawa, in the same manner as if the said village had been erected into a town under the provisions of the said Acts.

Nomination for first election.

5. On the last Monday of the month of December, after the passing of this Act, it shall be lawful for John McMeekin, or the clerk of the municipality for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, and councillors, at the town hall, in the said town of Mattawa, at the hour of noon, of which due notice shall be given, in the same manner as the same would be given if the said town of Mattawa had been incorporated under the provisions of *The Municipal Act* and he shall preside at the said nomination, or in case of his absence the electors present shall choose, from amongst themselves, a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place, in each ward at which the polling shall take place.

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Deputy-returning officers.

6. The said returning officer, shall by his warrant, appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer and each deputy-

returning

returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers, at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers, and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of township of Papineau to furnish copy of assessment roll.

7. The clerk of the said township of Papineau shall, upon demand, made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township, as may be required to ascertain the names of the persons entitled to vote in each of the said wards, at the said first election, and the said returning officer shall furnish each of the said deputy-returning officers with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and sach such copy shall be verified on oath.

Council.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward.

Oaths of office and qualification.

9. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

10. At the first election of mayor and councillors, for the said town of Mattawa, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of Act.

11. The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer, of the said town of Mattawa, or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

By-laws continued.

12. All by-laws and municipal regulations, which are in force in the municipality of Mattawa, shall continue and be in force, as if they had been passed by the corporation of the town of Mattawa, and shall extend to, and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

Town to assume property and liabilities of village.

13. The property, assets, debts, liabilities and obligations of the village of Mattawa, shall belong to, and be assumed and paid by the corporation of the town of Mattawa.

Council and officers of village continued.

14. The council of said municipality of Mattawa, shall hold office and act as such, until the organization of the said town council, and all officers of the said municipality, shall continue to act and have power as such, and as officers of and within the town of Mattawa, until the council of the said town shall have organized, in manner provided by *The Municipal Act.*

Rev. Stat. c. 184.

CHAPTER 76.

An Act to amend the Law respecting the Municipality of Neebing.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS owing to the incorporation of the town of Fort William and its separation from the municipality of Neebing, it is desirable in the interests of the said municipality to amend the law respecting the said municipality and to ratify and confirm certain debenture by-laws heretofore passed by the municipality of Neebing; and whereas the said municipality has prayed that an Act should be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Wards.

1. The said municipality shall be divided into five wards, composed as follows:—The ward of Neebing to consist of all that portion of the township of Neebing not included in the town of Fort William; the ward of Paipoonge shall consist of the township of Paipoonge; the ward of Blake shall consist of the township of Blake; the ward of Crooks shall consist of the township of Crooks; the ward of Pardee shall consist of the township of Pardee; and all the islands in front of each of the last three mentioned townships within the distance of one mile shall be considered and are hereby declared to be part of the said wards in front of which said islands lie respectively.

2.

2. The nomination for the first election after the passing of this Act shall be held at the court house at the town plot of Fort William on the sixth Monday next after the passing of this Act, and the polling shall take place at the same place and at such time as the clerk of the municipality of Neebing shall by his proclamation appoint, and the polling day shall not be less than two weeks or more than six weeks from the day of the nomination. The first meeting of the council shall be held at the time and place to be fixed by the clerk of the municipality of Neebing. Nomination for first election.

3. All subsequent elections and meetings of the council shall be held at such place as provided for by by-laws duly passed in respect thereof by the municipality of Neebing. Place of meeting.

4. On and after the passing of this Act the new council of the municipality of Neebing shall consist of one reeve and five councillors, all of whom shall be residents of the municipality or within three miles therefrom one councillor to be elected for each ward by the ratepayers thereof, and the reeve to be elected by the vote of the whole municipality. Council, how composed.

5. All special enactments relating to the municipality of Neebing respecting school legislation as now in force are hereby repealed, and from and after the passing of this Act the general school law only of the Province of Ontario shall be applicable to the municipality of Neebing. General school law of Ontario to apply to Neebing.

6. The by-laws numbers 119 and 123 of the corporation of the municipality of Neebing, passed on the 11th day of March, 1891, and the 3rd day of August, 1891, respectively, which by-laws are set out in full in schedule "A" of this Act, are hereby declared valid and binding on the township of McKellar also known as Neebing Additional in the municipality of Neebing, as same existed at the date of the passing of said by-laws, and the debentures issued or to be issued thereunder are hereby ratified, confirmed and made binding upon the said township of McKellar or Neebing Additional as aforesaid, as the same existed at the date of the passing of said by-laws. By-laws confirmed.

SCHEDULE "A."

MUNICIPALITY OF NEEBING.

No. 119.

A by-law to grant by way of bonus to Messrs. Graham Horne & Co. the sum of eight thousand dollars, and to authorize the issue of debentures therefor.

Whereas

Whereas it is deemed advisable in the interests of the township of McKellar of this municipality to grant aid by way of bonus to George A. Graham, John T. Horne, and John C. Graham trading as Graham, Horne & Company, as lumbermen. the sum of $8,000. And whereas it is necessary to raise $8,000 for the purpose aforesaid, and in order thereto it will be necessary to issue debentures of the municipality of Neebing for the sum of $8,000, payable as herein provided. And whereas it will be requisite to raise annually during a period of 20 years by special rate, for paying the said debt and interest, the sum of six hundred and eighty dollars. And whereas the whole ratable property of this municipality, according to the last revised assessment, amounts to five hundred and seventeen thousand, six hundred and ten dollars. And whereas the existing debenture debt for which this municipality is liable is as follows :—$10,500 being the portion of the issue of $35,000 of the debentures of the municipality of Shuniah for which the municipality of Neebing is responsible by agreement between the corporations of Neebing, Shuniah and Port Arthur, and $15,500, in all making $26,000, and no principal or interest is in arrears.

Therefore the municipal council of the corporation of Neebing enacts as follows :—

1. There is hereby granted by way of bonus to George A. Graham, John T. Horne and John C. Graham, trading as Graham, Horne & Company, lumbermen, the sum of $8,000.

2. It shall be lawful for the reeve of the municipality of Neebing for the purposes aforesaid to borrow the said sum of $8,000 and to issue debentures of the said municipality to the amount of eight thousand dollars in sums of not less than one thousand dollars each, payable twenty years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four and one-half per cent. per annum, payable half-yearly on the first days of the months of January and July in each and every year during the currency of the said debentures.

3. The said debentures shall be made payable at the office of the Commercial Bank of Manitoba at Fort William, or at the office of the treasurer of the municipality of Neebing for the time being.

4. It shall be lawful for the reeve of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the interest coupons attached hereto to be signed by the treasurer of the said municipality, and the clerk of this municipality is hereby authorised and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied annually by a special rate on all the ratable property in the township of McKellar in this municipality the sum of three hundred and sixty dollars for the payment of interest during the currency of said debentures, and also the sum of three hundred and twenty dollars for the payment of the said debt.

7. This by-law shall take effect from and after the first day of July, 1891.

8. The vote of the ratepayers of the McKellar ward of this municipality shall be taken on this by-law at the following time and place, that is to say, on Monday, the twenty-third day of February, A. D. 1891, at the hour of nine o'clock in the forenoon, and then continuing till five o'clock of the same day at the old school-house near elevator B., in the said township of McKellar by John R. Brown, returning officer.

9. On Saturday, the twenty-first day of February, the reeve shall attend at the said old school-house at eleven o'clock to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in or opposing the passing of this by-law.

10. The clerk of the council of the said municipality shall attend at the said old school-house at eleven o'clock in the forenoon of the twenty-fourth day of February, A. D., 1891. and sum up the number of votes given for and against the by-law.

Dated council chamber this twenty-ninth day of January, A. D. 1891.

(Sgd.) JOHN MCKELLAR,
Reeve.

JOHN R. BROWN,
Clerk.

MUNICIPALITY OF NEEBING.

Number 123.

A by-law to raise the sum of $20,000 for fire protection, and for general improvements in the McKellar Ward of the municipality of Neebing and to authorize the issue of debentures therefor.

Whereas it is necessary to raise the sum of four thousand dollars for the purpose of purchasing a site for a fire hall in the McKellar ward for the municipality of Neebing, and for building thereon a fire hall and other public buildings, which, with the land, is not to exceed in cost the sum of four thousand dollars, and also to purchase apparatus for fire protection,

not

not to exceed the sum of six thousand dollars. And whereas it is necessary to raise the sum of ten thousand dollars for the purpose of opening up streets, laying down sidewalks and general improvements in the McKellar ward, in the municipality of Neebing, making in all the sum of ($20,000) twenty thousand dollars, and in order thereto it will be necessary to issue debentures of the McKellar ward, of the municipality of Neebing, for the sum of $20,000, payable as herein provided, and which said debentures, when issued by the said municipality, will form a special charge upon all the assessable property in the said ward of McKellar and by said ward to be repayable. And whereas it will be requisite to raise annually during the term of twenty years by special rate by paying the said debt and interest, the sum of one thousand six hundred and seventy-five dollars. And whereas the amount of the whole ratable property of the McKellar ward, according to the last revised assessment roll amounts to one hundred and four thousand four hundred dollars. And whereas the existing debenture debt of the said McKellar ward amounts to nineteen thousand two hundred dollars, with a proportional part of the debenture debt of the municipality of Neebing and no principal or interest is in arrears.

Therefore the municipal council of the corporation of Neebing, enacts as follows:—

1. It shall be lawful for the reeve of the said municipality, for the purpose aforesaid, to borrow the said sum of $20,000 and to issue debentures of the McKellar ward of the said municipality, to the amount of $20,000 in sums of not less than one hundred dollars ($100) each, payable at the end of twenty years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding five per cent per annum, payable half-yearly on the first days of July and January in each and every year during the currency of the said debentures.

2. The said debentures as to the principal and interest shall be payable at the Commercial Bank of Manitoba at Fort William.

3. It shall be lawful for the reeve of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to affix the seal of the said municipality to the said debentures.

4. There shall be raised and levied annually by special rate on all the ratable property in said McKellar ward, of the said municipality, the sum of one thousand dollars for payment

of

of the interest during the currency of said debentures, and also the sum of six hundred and seventy-five dollars for payment of the said debt.

5. This by-law shall take effect on the first day of January A. D. 1892.

6. The votes of the ratepayers of the McKellar ward, of the said municipality, shall be taken on this by-law, at the following times and places, that is to say, on the fourteenth day of July next, at the hour of nine o'clock in the forenoon, and continuing till five o clock in the afternoon of the same day, at the following places in the McKellar ward, of the said municipality, namely, at the old school house, by John R. Brown, clerk of this municipality.

7. On Monday, the thirteenth day of July, 1891, the reeve of the said municipality shall attend at the old school house at eleven o'clock, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in or opposing the passing of this by-law.

8. The clerk of the council of said mnnicipality shall attend at the old school house in McKellar ward at eleven o'clock in the forenoon, on the fifteenth day of July, 1891, and sum up the number of votes given for and against this by-law.

Dated at Fort William, in the municipality of Neebing, this third day of August, 1891.

(Sgd.) JOHN MCKELLAR,
Reeve.

JOHN R. BROWN,
Clerk.

CHAPTER 77.

An Act respectin gthe Village of Niagara Falls.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the village of Niagara Falls, in the county of Welland, has by its petition shewn that the municipal council of the said village on or about the 23rd day of March, A.D. 1882, in pursuance of the provisions of *The Registry Act* caused a plan of said village to be prepared and registered in the registry office of the county of Welland; that some time after the registration of the said plan it was dis-

covered

covered that there were many mistakes and errors therein; that the said municipal council thereupon caused another plan to be prepared by George Ross, Esq., P.L.S., which upon examination is found to be correct, and which shews the errors and mistakes in the registered plan to be both numerous and serious, and such as to render the said registered plan of no value whatever; that the said municipal council endeavoured to register the said last mentioned map or plan of said village for the purpose of correcting the registered plan, but the registrar of the county of Welland declined to register the same; that the said municipal council of the said village thereupon in accordance with the requirements of said *Registry Act* presented a petition to the County Judge of the said county of Welland, setting forth the errors and mistakes in the said registered plan and praying that the said registered plan might be amended as provided by said *Registry Act;* that upon the hearing of the said petition before the said Judge it was shewn that the errors and mistakes were so numerous and serious that it was impossible to shew all the required amendments upon said registered plan and preserve its usefulness, and that there is no power to authorize the registration of any amending plan; and whereas the said corporation of the village of Niagara Falls has prayed that an Act may be passed authorizing it to register a correct plan of said village; and whereas the amended plan which the said corporation desire to register has been open to inspection by the public in the office of the clerk of the municipality and public notice that the same might be examined by persons interested was given in the same manner as the same was given of the application for this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Registration of new plan authorized.

1. It shall be lawful for the said corporation of the village of Niagara Falls, after the passing of this Act to register in the registry office in the said county of Welland the map or plan of the said village of Niagara Falls, prepared by George Ross, Esq., P.L.S., and dated the 28th day of January, A.D. 1887, notwithstanding the registration in said office of the plan now on file therein, anything in *The Registry Act* to the contrary notwithstanding.

Rev. Stat. c. 114.

Registrar's fees.

2. The said registrar shall be entitled to receive from the said village such fees for the registration of said plan as may be ordered by the Judge of the county court of the county of Welland.

CHAPTER

CHAPTER 78.

An Act to confirm By-laws Numbers 76 and 77 of the Town of North Toronto, and for other purposes.

[*Assented to 14th April, 1892.*

Preamble. WHEREAS the municipal corporation of the town of North Toronto, on the twenty-first day of July, 1891, passed a by-law of the said corporation numbered 76 "To provide for the issue of debentures to the amount of $35,000, for the construction of a system of waterworks, and for procuring land, machinery and plant necessary for the same in the Town of North Toronto, or within such distances thereof as are prescribed by statute," and a by-law of the said corporation numbered 77 "To provide for the issue of debentures to the amount of $10,000, for the construction of a system of light works and for procuring land, machinery and plant necessary for the same in the town of North Toronto, or within such distances of the limits thereof as are prescribed by statute," which said by-laws are set forth in full in schedules "A" and "B" respectively to this Act; and whereas the limits of said town as set forth in the Act passed in the 53rd year of Her Majesty's reign, chaptered 93, entitled *An Act to incorporate the Town of North Toronto* are so indefinite that the same cannot with certainty be accurately ascertained; and whereas the said corporation of the town of North Toronto, by their petition have represented that it is necessary and expedient and of advantage to the said municipality that the said by-laws should be ratified and confirmed, and that the said limits of the said town should be amended; and have prayed for the other special legislation in respect to the several matters therein and hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws 76 and 77 confirmed. **1.**—(1) The by-laws numbered respectively 76 and 77 of the corporation of the town of North Toronto, which are fully set forth in the schedules "A" and "B" to this Act, are hereby confirmed and declared legal and valid to all intents and purposes, and the debentures issued or to be issued under the said respective by-laws shall be, and the same are hereby declared to be valid, legal and binding upon the corporation of the town of North Toronto and the ratepayers thereof, notwithstanding any Act or law to the contrary.

(2) Nothing in this section contained shall prejudice or affect any action or proceeding now pending.

2.

53 V. c. 93, s. 2, repealed.

2. Section 2 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 93, is repealed, and the following substituted therefor :—

Limits of town.

2 The said town of North Toronto shall comprise and consist of the lands with the intervening roads, streets and highways, formerly forming part of the township of York, in the county of York, and situate within the following limits or boundaries namely :—Commencing at the point of intersection of the easterly limit of Yonge street as macadamised, with the southerly limit of the land shewn on plan of sub-division registered number M. 5 for part of lot number 18 in the third concession from the bay, of said township; thence easterly along the southerly limit of land shewn on said plan, to the line of the easterly limit of said lot number 18 ; thence northerly along the line of the easterly limits of lots numbers 18, 17 and 16 in said third concession to the north-easterly angle of said lot number 16 ; thence northerly in a direct line to the south-easterly angle of lot number 1 in the first concession east of Yonge street of said township; thence westerly along the southerly limit of said lot number 1 to the westerly limit of Mandeville street as shewn on Ferguson's plan of sub-division of part of said lot number 1, dated twenty-fifth February, 1889, registered number 882 ; thence northerly along the westerly limit of said Mandeville street to the easterly production of the line of the northerly limit of land shewn on registered plan number 639 ; thence westerly along said production, and said line produced to the intersection with the southerly production of the easterly limit of lot number 145 of registered plan number 1071 ; thence northerly along said southerly production and along the easterly limits of lots numbers 145, 95, 68 and 14 and across intervening roads of said plan number 1071, and along the northerly production of the easterly limit of said lot number 14 to the line between lots numbers 1 and 2 in said first concession east of Yonge street ; thence along said line between said lots numbers 1 and 2 to the line of the easterly limit of lot number 163, of registered plan number 756 a sub-division of part of said lot number 2 ; thence northerly along the line of the easterly limits of lots numbers 163, 127, 93 and 39, and across intervening roads of said plan number 756 to the north-easterly angle of said lot number 39 ; thence northerly in a direct line to the south-easterly angle of lot number 27 of registered plan number 205, a sub-division of part of lot number 3 in said first concession east of Yonge street ; thence northerly along the easterly limit of said lot number 27, to the north-easterly angle thereof ; thence northerly in a direct line across lots numbers 4 and 5 in said first concession to a point distant 3,300 feet measured easterly along the northerly limit of said lot number 5 from its north-westerly angle, thence northerly in a direct line across the original side-road and lots 6 and 7 and part of 8 in said first concession

east

east of Yonge street, to a point in the southerly limit of that part of said lot number 8, now owned by Thomas Humberstone, Esquire, which said point is distant 3,300 feet measured easterly along the south limit of the said land of the said Thomas Humberstone, Esquire from the westerly limit of said lot number 8; thence westerly along the said southerly limit of said Humberstone's land and the westerly production thereof 3,366 feet to the westerly limit of Yonge street; thence northerly along said westerly limit of Yonge street to the line between lots numbers 8 and 9 in the first concession west of Yonge street of said township; thence westerly along the fence for line between said lots numbers 8 and 9, 3,300 feet; thence southerly in a direct line to the north-westerly angle of lot number 92 of registered plan number 931; thence southerly along the westerly limits of lots numbers 92 and 36, and across intervening road of said plan number 931 to the south-westerly angle of said lot number 36, thence southerly in a direct line to the north-westerly angle of lot number 136 on north side of Woburn avenue of registered plan number M 108; thence southerly along the westerly limits of lots numbers 136, 509, 728 and 1093 and intervening roads and lanes of said plan number M 108 to the south-westerly angle of said lot number 1093; thence southerly in a direct line to a point distant 3,300 feet measured westerly along the northerly limit of lot number 5 in said first concession west of Yonge street from its north-easterly angle; thence southerly in a direct line to the north-westerly angle of lot number 265 of registered plan number 864 part of lot number 4 in said first concession west of Yonge street; thence westerly along the northerly limits of lots numbers 264, 263 and 262 and Otter street of said registered plan number 864 to the centre of said Otter street; thence south-easterly along the centre line of said Otter street and the production thereof to the centre line of Glencairn avenue of said plan registered number 864; thence southerly in a direct line to a point on the northerly limit, as fenced, of the south half of lot number 3 in said first concession west of Yonge street, said point being distant 1,280 feet measured westerly along said northerly limit from the north-west angle of lot number 21 of registered plan number M 53, part of said south half; thence westerly along the northerly limit of said south half of said lot number 3, 1,800 feet; thence southerly in a direct line to the north-westerly angle of lot number 183 of registered plan number M 25; thence southerly along the westerly limits of lots numbers 183, 184, 185, 186 and 187, and across intervening roads of said plan M 25, to the south-west angle of said lot number 187; thence southerly in a direct line to the north-westerly angle of lot number 27 in range V of registered plan number 734; thence southerly along the westerly limits of lots numbers 27 and 50 and across the intervening road of said plan number 734 to the south-westerly angle of said lot number 50; thence westerly along the line of

the

the southerly limit of the adjoining lot number 51 of said plan number 734 to the westerlylimit of block F of registered plan number 924; thence southerly along the westerly limit of said block F and the southerly production of the same to the centre line of the Government road allowance known as Eglinton avenue on the south side of lot number 1 in said first concession west of Yonge street; thence easterly along the centre line of said Eglinton Avenue to the intersection with the northerly production of the line between lots numbers 22 and 23 in said third concession from the bay; thence southerly to and along said line between said lots numbers 22 and 23 to the south-westerly angle of lot number 12 of registered plan 394, a sub-division of part of said lot number 22; thence easterly along the southerly limit of said lot number 12 and across a road known as Avenue road to the south-westerly angle of lot number 9 of said plan registered number 394; thence southerly along the easterly limit and production thereof of a road shewn on said plan number 394 running in a northerly and southerly direction, and now known as Avenue road 1,181 feet more or less to the northerly limit of land now known as part of the Baldwin estate; thence easterly along said northerly limit of said part of said Baldwin estate to the easterly limit of said township lot number 22; thence southerly along the easterly limit of said township lot number 22 to the southerly limit of lot number 3 of registered plan number 288, part of the Thompson estate; thence easterly along the southerly limit of said lot number 3, to and along the southerly limit of an adjoining lane on south side of lot number 12 of said plan number 288, and the production of the south limit of said lane to the westerly limit of township lot number 19 in said third concession from the bay; thence northerly along the westerly limit of said township lot number 19 to the northerly limit of said township lot number 19; thence easterly in a direct line to the place of beginning.

Taxation of lands annexed.

3. The said corporation of the town of North Toronto are hereby authorized and empowered to pass a by-law particularly defining the frontages of the lands mentioned in section 5 of said by-law number 76, and for the purpose of levying and raising by an annual special assessment on the lands so defined the special rate mentioned in said section 5 of said by-law.

Works on highways of township of York.

4. It shall and may be lawful for the said corporation of the town of North Toronto, their agents, servants and workmen from time to time and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes or other passages and lands of the corporation of the township of York and the county of York as may be necessary and the same to cut and dig up, if necessary, and to lay down pipes and other works necessary for the supply of water, and erect poles and wires and

other,

other works necessary for the supply of light on, through, over, under, along and upon the public streets, roads, highways, lanes or other passages and lands of the said the corporation of the township of York and the county of York to a distance of three miles from the respective limits of said town, or for taking up, removing, altering or repairing the said pipes and waterworks, poles, wires and light works and for distributing water and light respectively to the said corporations of the township of York and the county of York and the inhabitants thereof, doing as little damage as may be in the execution of the powers hereby granted to them, and all such water pipes and works, poles, wires and light works requisite for the purposes aforesaid shall be vested in and be the property of the said corporation of the town of North Toronto, provided always that the powers and rights by this section given to or vested in the said corporation of the town of North Toronto shall not be enjoyed or exercised in the said the corporation of the township of York and county of York except to such extent and subject to such conditions as by any by-law in that behalf the municipal councils of the corporation of the township of York and county of York respectively have already or shall hereafter provide and require.

Extension of water and light works.

5. For the purposes of extending said waterworks and light works or both as provided in the preceding section and purchasing all the plant and materials connected therewith and paying the interest on the debentures during the currency thereof the corporation of the town of North Toronto shall have power to issue debentures in sums of not less than $100 each, payable in thirty years at farthest from the dates of the respective issue thereof, and the said corporation for the purpose of meeting the interest on said debentures and providing a sinking fund for the payment of said debentures at the maturity thereof may levy annually by a general special assessment on the whole ratable property in the said town in such manner as general special rates are levied under *The Municipal Act* such sum or sums as may be necessary for the purposes aforesaid.

Assessment rolls in old and new portions.

6. The assessment roll of the said corporation of the town of North Toronto as the same shall be for the year 1892 finally revised, shall be the assessment roll for the year 1893, in so far as the same affects the lands described in section 2 of this Act.

SCHEDULE

SCHEDULE "A."

(*Section 1.*)

No. 76.

A by-law to provide for the issue of debentures to the amount of $35,000 for the construction of a system of waterworks and for procuring land, machinery and plant necessary for the same in the town of North Toronto or within such distance, of the limits thereof as are prescribed by statute.

Whereas it is desirable that the corporation of the town of North Toronto should expropriate the necessary land therefor and erect waterworks thereon and purchase the necessary machinery and plant for supplying water in said town and construct and operate same; and whereas it will require the sum of $35,000 for the purposes aforesaid, of which not more than $10,000 shall be borrowed upon debentures to be issued therefor, the principal and interest for the payment of which shall be raised by special local rates on the lands benefited in accordance with the provisions of chapter 53 of 53 Victoria, Ontario, to be raised by special assessment by by-law hereafter to be passed, such special rate to be part of the cost of the laying of the principal mains, hydrants and connections, being a rate of two and one half cents per foot frontage, not exceeding four mills on the dollar of the assessable value of the lands fronting and abutting upon the streets upon which such mains are laid, allowing a flankage of 150 feet on corner lots, the street on which such main leads from the water supply to Yonge street to be assessed for a frontage on each side thereof a distance of 1,000 feet from Yonge street towards such water supply, all mains hereafter to be put in to bear a similar proportion of the cost thereof; and whereas the balance of such sum not exceeding $25,000 shall be borrowed by this corporation upon the debentures of this corporation payable as hereinafter set forth; and whereas it will require the sum of $1,125 to be raised annually by special rate on the whole ratable property of the town of North Toronto for a period of 30 years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of said debt and the sum of $445.75 to be raised annually during the said period for the payment of the debt to be created by this by-law, such sum of $445.75 being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of $1,570.75 to be raised annually as aforesaid; and whereas it will require the sum of $628.30 to be raised annually by a special rate upon the properties fronting and abutting upon Kensington avenue from Yonge street towards the pumping station for a distance of 1,000 feet on

each

each side thereof and upon Yonge street allowing a flankage of 150 feet upon corner lots; and whereas it will require a special rate of $0.001053 on the dollar of the assessed value of such properties to be raised and levied in each year during the currency of such debentures to pay the interest and create a sinking fund for the payment of $25,000 of such debentures at the maturity thereof; and whereas the whole of the ratable property of the said Town of North Toronto according to the last revised assessment roll of the said town which was revised on the 21st day of July, 1890, is the sum of $1,493,120; and whereas the amount of the existing debenture debt of the said town of North Toronto is the sum of $2,000 of which no part is in arrears for principal or interest, be it therefore enacted by the municipal council of the corporation of the town of North Toronto.

(1) It shall be lawful for the mayor of the said town of North Toronto for the purposes aforesaid to borrow money not exceeding in the whole the sum of $35,000 and to issue debentures of the said corporation to the amount of $35,000 in sums of not less than $100 each, payable at the end of thirty years from the date on which this by-law comes into force and to bear interest secured by coupons attached to such debentures at the rate of 4½ per cent. per annum payable half-yearly on the 21st days of January and July in each and every year during the currency of said debentures.

(2) That said debentures be made payable at the northern branch of the Bank of Commerce, city of Toronto, and shall bear interest at the rate of 4½ per cent. per annum, payable half yearly.

(3) It shall be lawful for the said mayor of the said town of North Toronto and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and cause the seal of the said corporation to be attached thereto and to cause the said debentures and the coupons thereto attached to be signed by the treasurer of the said town of North Toronto.

(4) That during thirty years the currency of the debentures to be issued under the authority of this by-law in addition to all other rates there shall be raised, levied and collected annually by special rate on all the ratable property in the said town of North Toronto the sum of $1,125 for the payment of interest of $25,000 of the said debentures and the sum of $445.75 for the purpose of forming a sinking fund for the payment of $25,000, part of said principal of said loan in thirty years and making in all the sum of $1,570.75 to be raised annually as aforesaid by such general special rate and shall be annually inserted in the collector's rolls for the town of North Toronto for the next succeeding thirty years and shall be payable to and collected by him in the same way as the other rates on said roll.

(7)

(5) That for thirty years the currency of the debentures to be issued under this by-law in addition to all other rates there shall be raised, levied and collected in each year by a local special rate on the property fronting and abutting upon 1,000 feet of Kensington avenue and Yonge street, the sum of two and one-half cents per foot frontage, less flankage.

(6) That the debentures to be issued hereunder shall contain a provision in the following words :—

This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of the town of North Toronto, be transferable except by entry of the treasurer or his deputy in the debenture registry book of the said corporation of the town of North Toronto.

(7) This by-law shall take effect on, from and after the date of the passing thereof.

(8) And it is further enacted by the said municipal council of the town of North Toronto that the vote of the electors of the said town of North Toronto will be taken on this by-law by the deputy-returning officer hereinafter named, on Saturday, the twentieth day of June, 1891, commencing at 9 o'clock a.m., and continuing until 5 o'clock p.m., at the undermentioned places :—

Davisville Ward.—At Glancy's waggon shop, by Wm. Brown, Sr.

Eglinton Ward, East.—At Douglas' waggon shop, by Wm. Douglas.

Eglinton Ward, West.—At Town Hall, by George Ward.

That the town clerk shall be the returning officer for the purpose of taking said votes given for and against the said by-law, on Monday, the twenty-second day of June, 1891, in the Town Hall, in North Toronto, at 10 a.m.

That the mayor will attend at the Town Hall, on Friday, the nineteenth day of June, 1891, at 8 o'clock p.m., to appoint in writing two persons to attend to the final summing up of the votes by the clerk and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number in behalf of the persons interested in and desirous of opposing the passage of this by-law.

Passed July 21st, 1891.

[SEAL.]

(Signed) W. J. DOUGLAS, Clerk.

(Signed) JOHN FISHER, Mayor.

SCHEDULE

SCHEDULE "B."

(*Section 1.*)

No. 77.

A by-law to provide for the issue of debentures to the amount of $10,000 for the construction of a system of light works and for procuring land, machinery and plant necessary for the same in the town of North Toronto or within such distances of the limits thereof as are prescribed by statute.

Whereas the North Toronto Suburban Water and Light Company (Limited) have been duly incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas it is desirable that the corporation of the town of North Toronto should purchase from the said company, the poles, wires and rights, if any, under their said charter of incorporation to supply light in the said town of North Toronto and within a distance of three miles from the respective limits of the said town; and whereas it is desirable that the corporation of the town of North Toronto, in addition to the purchase of such poles, wires and rights, if any, should expropriate the necessary land therefor and erect light works thereon and purchase the necessary machinery and plant for supplying light in said town and construct and operate same; and whereas it will require the sum of $10,000 for the purposes aforesaid; and whereas the sum of $10,000 shall be borrowed by this corporation upon the debentures of this corporation, payable as hereinafter set forth; and whereas it will require the sum of $450 to be raised annually by special rate on the whole ratable property of the town of North Toronto, for a period of 30 years, the currency of debentures to be issued under and by virtue of this by-law to pay the interest of said debt, and the sum of $178,30 to be raised annually during the said period for the payment of the debt to be created by this by-law, such sum of $178.30 being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of $628.30 to be raised annually as aforesaid; and whereas it will require a special rate of $0.00043 on the dollar of the assessed value of such properties to be raised and levied in each year during the currency of such debentures, to pay the interest and create a sinking fund for the payment of such debentures at the maturity thereof; and whereas the whole ratable property of the said town of North Toronto, according to the last revised assessment roll of the said town which was revised on the 21st day of July, 1890, is the sum of $1,493,120; and whereas the amount of the existing debenture debt of the said town

of North Toronto is the sum of $2,000, of which no part is in arrears for principal or interest, be it therefore enacted by the municipal corporation of the town of North Toronto :

(1) It shall be lawful for the mayor of the said town of North Toronto, for the purposes aforesaid, to borrow money not exceeding in the whole the sum of $10,000, and to issue debentures of the said corporation to the amount of $10,000 in sums of not less than $100, each payable at the end of 30 years from the date on which this by-law comes into force and to bear interest secured by coupons attached to such debentures at the rate of 4½ per cent. per annum, payable half yearly on the 21st days of January and July in each and every year during the currency of the debentures.

(2) That the said debentures be made payable at the northern branch of the Bank of Commerce, city of Toronto, and shall bear interest at the rate of 4½ per cent per annum, payable half yearly.

(3) It shall be lawful for the mayor of the said town of North Toronto and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and cause the seal of the said corporation to be attached thereto, and to cause the said debentures and the coupons thereto attached to be signed by the treasurer of the said town of North Toronto.

(4) That during 30 years the currency of the debentures to be issued under the authority of this by-law, in addition to all other rates there shall be raised, levied and collected annually by special rate on all the ratable property in the said town of North Toronto the sum of $450 for the payment of interest of the said debentures, and the sum of $178.30 for the purpose of forming a sinking fund for the payment of principal of said loan in 30 years, and making in all the sum of $628.30 to be raised annually as aforesaid by such general special rate and shall be annually inserted in the collector's rolls for the town of North Toronto for the next succeeding 30 years and shall be payable to and collected by him in the same way as the other rates on said roll.

(5) That for 30 years the currency of the debentures to be issued under this by-law in addition to all other rates, there shall be raised, levied and collected in each year by a local special rate on the property fronting and abutting upon the streets upon which lights are placed, and on streets intersecting same to a distance of 600 feet from street line at which any light is placed, less 150 feet flankage, such rates as shall be fixed by by-laws hereinafter to be passed for that purpose for the maintenance of such works and lights.

(6) That the debentures to be issued hereunder shall contain a provision in the following words:

"This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the town of North Toronto, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation of the town of North Toronto."

(7) This by-law shall take effect on, from and after the date of the passing thereof.

(8) And it is further enacted by the said municipal council of the town of North Toronto, that the votes of the electors of the said town of North Toronto will be taken on this by-law by the deputy returning officers hereinafter named on Saturday, the twentieth day of June, 1891, commencing at 9 o'clock a.m. and continuing until 5 o'clock p.m., at the undermentioned places:

Davisville ward, at Glancy's waggon shop, by Wm. Brown senior; Eglinton ward east, at Douglas' waggon shop, by Wm. Douglas; Eglinton ward west, at the town hall, by Geroge Ward.

(9) That the town clerk shall be the returning officer for the purpose of taking said votes given for and against the said by-law, on Monday the twenty-second day of June, 1891, in the town hall in North Toronto, at 10 a.m.

(10) That the mayor will attend at the town hall on Friday, the 19th day of June, 1891, at 8 o'clock p.m., to appoint in writing two persons to attend to the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number in behalf of the persons interested in and desirous of opposing the passage of this by-law.

Passed July 21st, 1891.

[SEAL.]

(Signed) W. J. DOUGLAS, Clerk.

(Signed) JOHN FISHER, Mayor.

CHAPTER

CHAPTER 79.

An Act to consolidate the Debt of the Town of Oshawa.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the town of Oshawa in the county of Ontario, have by their petition represented that they have incurred debts and liabilities for the purpose of erecting school buildings, purchasing a steam fire engine, bonusing manufacturing industries, and other public improvements to the amount of $78,700, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws duly passed; that of such debentures $57,215, remain unpaid, of which sum as to $32,115 being the balance unpaid of the debentures under by-laws Nos. 210, 314 and 321, the said corporation asks no present relief; that of the balance or sum of such debentures $5,200 issued under by-law No. 182 will mature on the 31st day of March, 1892, $2,900 issued under by-law No 185 on the 31st day of December, 1892, $5,000.00 issued under by-law No. 186 on the 1st day of September, 1893, $7,000.00 issued under by-law No. 187 on the 30th day of September, 1893, $3,000 issued under by-law No. 199 on the 31st day of December, 1895, making a total of $23,100; that of $5,000 of such debentures issued under the authority of by-law No. 195 of said corporation, $2,000 of principal together with the interest coupons attached to the debentures therefor, are unpaid, the right to receive the debentures for such sum and interest being contested by said corporation, and at present in litigation; and that in case of such question of right being decided against said corporation, as claimed by the plaintiffs in such litigation, it may require the sum of about $4,500 to meet the same, and the expenses incidental to such litigation, which sum in the circumstances the said corporation regard as a floating debt; and that in consequence of damages caused by two floods which occurred in the month of June, 1890, and the consequent necessity of rebuilding several bridges in the said town and aiding in the construction of others in the county of Ontario, and the necessity of putting in a large main drain in the said town in the year 1891, the said corporation owes a floating debt of $4,000 which they are unable without unduly pressing the ratepayers to meet, the whole making with the said sum of $4,000 a total of $8,500 of floating indebtedness; and whereas it has been made to appear that no funds have been provided by way of a sinking fund, or otherwise, for redeeming such

$23,100 of such debentures or any part thereof, except the interest maturing thereon from year to year, and that the ratepayers of said town have recently been at great expense in building bridges, constructing drains and other necessary public improvements, and that public improvements in the way of additional school accommodation, sewers, drainage and fire protection are urgently needed by said corporation; and that by reason of such urgency, as well as of the irregular arrangement and the short dates of the respective times, at which said last named debentures are made redeemable, the rates required for such redemption will be oppressive to the inhabitants of said town and beyond their means to pay; and whereas the said corporation by their said petition have prayed that the said debts and prospective debts to the amount of the said sums of $23,100 and $8,500 may be consolidated and they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated.

1. The said debenture debt of the corporation of the town of Oshawa, in respect of which relief has been sought as aforesaid, to wit, the sum of $23,100, and the said floating debt are hereby consolidated at the sum of $31,600, and it shall be lawful for the said, the corporation of the town of Oshawa, to raise by way of loan on the credit of the debentures, hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate a sufficient sum or sufficient sums to retire the said debentures amounting to $23,100, as they respectively become due, and to pay off the said other debt if the said the corporation of the town of Oshawa shall be declared liable for the same to the amount of $4,500, and said floating debt of $4,000, not exceeding in the whole the said sum of $31,600 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Oshawa from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums of not less than $100, and not exceeding $31,600 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

3.

Power to raise money on debentures.

3. The said corporation of said town, may for the purposes in section 7, hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than forty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the place mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per cent. per annum.

Debentures to be payable in equal annual payments.

5. The said debentures to be issued under this Act shall be made payable in yearly payments in each year for a period not exceeding thirty years from the date or dates of the passage of the by-law or by-laws authorizing the issue of the same respectively, and so that the aggregate amounts payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate for payment of debentures and interest.

6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate, sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debentures, of the said town of Oshawa, to the said amount of $23,100, and in payment of the said liability of $4,500, if the same be established against the said corporation, and the said further sum of $4,000 now owing for the purposes aforesaid and in no other manner, and for no other purpose whatever, and such debentures may be known as the "Consolidated Debt Debentures," and debentures may be issued hereunder for the purpose of such redemption and payment, notwithstanding that some of such already issued debentures may have matured before the final passing of this Act.

Outstanding debentures may be called in.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of

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the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Oshawa to the passing of any by-law which shall be passed under the provisions of this Act, nor to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat. c. 184.

Treasurer to keep book of debenture account.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payments of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Indebtedness not discharged.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Oshawa from any indebtedness or liability which may not be included in the said debt of the town of Oshawa hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form, or to the effect of schedule B to this Act.

Inconsistent provisions in municipal acts not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them,

shall

shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Informalities not to invalidate debentures.

Short title.

15. This Act may be cited as "*The Oshawa Debenture Act 1892.*"

SCHEDULE A.

(*Section 13.*)

CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Oshawa.

Under and by virtue of "*The Oshawa Debenture Act, 1892,*" and by virtue of by-law No. of the corporation of the town of Oshawa, passed under the provisions contained in the said Act, the corporation of the town of Oshawa promise to pay to the bearer at in sum of on the day of one thousand hundred and and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Oshawa, in the County of Ontario, this day of A.D., 189 .

Mayor.

[L.S.]

Treasurer.

SCHEDULE B.

(*Section 13.*)

By-law No. , to authorize the issue of debentures under the authority of "*The Oshawa Debenture Act, 1892.*"

Whereas

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of $31,600, in the whole, as the corporation of the town of Oshawa may in pursuance of, and in conformity with the provisions of the said Act, direct.

And whereas for the purpose mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable on the day of (*or as the case may be*), with interest thereon at the rate of per cent. per annum, payable , according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Oshawa, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was $.

Therefore the municipal corporation of the town of Oshawa hereby enacts as follows —

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of $, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable , on the day of in each year.

This by-law passed in open council this day of , in the year of our Lord, one thousand eight hundred and

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CHAPTER 80.

An Act respecting the City of Ottawa.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the city of Ottawa has, by its petition, prayed for special legislation in respect of the matters herein set forth and no opposition has been made thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Power to grant annuity to clerk.

1. Notwithstanding the provisions of *The Municipal Act*, it shall be lawful for the council of the corporation of the city of Ottawa to grant to William Pittman Lett, Esquire, the retired city clerk, an annuity of $1,000 for the term of his natural life, to commence from the first day of November, A.D. 1891, being the date of the retirement of the said William Pittman Lett from the office of city clerk.

35 V. c. 80, s. 8, amended.

2. Section 8 of the Act passed in the 35th year of Her Majesty's reign, chaptered 80, intituled *An Act for the Construction of Waterworks for the City of Ottawa*, is hereby amended by striking out the word "December" where it occurs in the tenth line of said section and inserting in lieu thereof the word "February," and by striking out the word "December" where it occurs in the twenty-ninth line of said section and inserting in lieu thereof the word "January."

CHAPTER 81.

An Act to consolidate the Debt of the Town of Owen Sound.

[*Assented to 14th April, 1892.*

Preamble

WHEREAS the corporation of the town of Owen Sound have by their petition represented that they have incurred debts and liabilities for the purpose of making harbour improvements, erecting school buildings and aiding railways and manufactories and for other public improvements to the extent of $170,000, for which amount debentures have from time to time been issued, and that no funds have been provided by way of sinking fund or otherwise for redeeming the same or any portion thereof, save and except the annual interest thereof; and whereas the said corporation have incurred a floating debt of the sum of $30,000, in addition to the ordinary expenses of the corporation for payment of which no fund has been provided; the said floating debt having arisen from an excess of expenditure in the construction of a fire hall, piling and making a road bed of the river front and putting down the road bed of certain streets under a by-law of the said town, which said by-law was submitted to and was approved by the ratepayers of the said town, and also for expenditure in connection with the grading of Jackson Street Hill and damages arising out of said work, and also for dredging the harbour of the said town from time to time, the

extension

extension of the waterworks and other municipal works; and whereas it has been made to appear that the ratepayers of the said town have been fully informed of the intention of the corporation to apply for powers to issue debentures to cover the said floating debt and no opposition has been made thereto; and whereas the said corporation have represented that the payments to be made on account of the said debenture debts and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of $170,000 and the said floating debt of $30,000 may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debts of the said town of Owen Sound are hereby consolidated at the sum of $200,000, and it shall be lawful for the corporation of the said town of Owen Sound to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to $170,000, as they respectively become due, and to pay off the other debts, amounting to $30,000, not exceeding in the whole the said sum of $200,000 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Owen Sound, from time to time, to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer, for the time being in such sums of not less than $100, and not exceeding $200,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of the said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time, as they may deem expedient.

Term of debentures.

4. The said debentures shall be payable in not more than thirty-five years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for

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the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment of debentures and interest.

5. A portion of the said $200,000 of debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty-five years from the first day of December, 1891, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorised to be issued under this Act, to be called, "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Owen Sound to the amount of $170,000, and in payment of the said debt of $30,000 and in no other manner, and for no other purpose whatsoever and such debentures may be known as the "Consolidated Debt Debentures."

Power to call in outstanding debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-law not to be repealed until debt paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Owen Sound to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act.*

Rev. Stat. c. 184.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep book showing state of debenture account.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Owen Sound from any indebtedness or liability which may not be included in the said debt of the said town of Owen Sound.

Liability of corporation not affected.

13. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Form of debenture and by-law.

14. Any provisions in the Acts respecting municipal institutions in the province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent enactments not to apply.

Irregularity in form not to invalidate debentures.

15. This Act may be cited as "*The Owen Sound Debenture Act, 1892.*"

Short title.

SCHEDULE

SCHEDULE "A."

(Section 13.)

No. $

PROVINCE OF ONTARIO, TOWN OF OWEN SOUND CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of *The Owen Sound Debenture Act 1892;* and by virtue of by-law No. of the corporation of the town of Owen Sound, the corporation of the town of Owen Sound promise to pay the bearer at in the sum of on the first day of December, one thousand hundred and , and the yearly coupons hereto attached as the same shall severally become due.

Dated at Owen Sound, this day of A.D.

Mayor.

[L. S.] *Treasurer.*

SCHEDULE "B."

(Section 13.)

By-law No. To authorize the issue of debentures under authority of *The Owen Sound Debenture Act, 1892.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of $200,000 in the whole, as the corporation of the town of Owen Sound may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purpose mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable on the day of and on the day of with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Owen Sound, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was $

Therefore

Therefore the municipal council of the corporation of the town of Owen Sound enacts as follows :—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of $ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly on the first day of December in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

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CHAPTER 82.

An Act respecting the Town of Port Arthur.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the town of Port Arthur have by their petitions prayed for an Act to amend the Act passed in the 54th year of Her Majesty's reign, chaptered 78, by allowing a rate of interest not exceeding five per cent. per annum instead of four per cent. per annum, upon the bonds to be issued under the said Act, and have also prayed for an Act extending the limits of the said corporation; and whereas the corporation of the municipality of Shuniah have by their petition also prayed that the Act may be passed; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

54 V. c. 78, s. 15, amended.

1. Section 15 of the Act passed in the 54th year of Her Majesty's reign, chaptered 78, is amended by inserting therein, after the word "thereon" in the thirteenth line thereof, the following words: "may be at the rate of interest not exceeding five per centum per annum payable half-yearly, instead of four per centum per annum payable half-yearly as expressed in schedule 'C,' and"

2.

Council may pass by-laws for increased rate of interest.

2. The council of the corporation of the town of Port Arthur may pass a by-law or by-laws to provide for the raising of the additional amount for such increased rate of interest authorized under the preceding section, such interest to be raised and levied annually during the currency of the debentures authorized to be issued under by-law number 281 of the town of Port Arthur by special rate upon all the ratable property in the said municipality, and it shall not be necessary to submit such by-law or by-laws to the vote of the electors of the town of Port Arthur.

47 V. c. 57, s. 2, amended.

3. Section 2 of chapter 57 of the Acts passed in the 47th year of Her Majesty's reign is amended by adding thereto, as sub-section 1 thereof, the following, "And also the lands lying within the limits described as follows, commencing at the point where the northern limit of the above described area intersects the eastern boundary of the township of McIntyre, then north along the said eastern boundary to the north-east angle of mining location "A," thence westerly along the northern limit of locations "A," 8, 9, and 10, to the north-west angle of mining location 10; thence southerly along the western limit of locations 10, 13, and X, to the northern limit of the above described area; then easterly along the said northern limit to the place of beginning. Nothing in this section shall be construed to affect, change or prejudice the existing position as between the said town of Port Arthur and the Port Arthur Water, Light and Power Company.

Property and liabilities of Shuniah.

4. Except as otherwise heretofore provided for by this Act, the property, assets, debts, liabilities and obligations of the municipality of Shuniah, in respect to the said lands mentioned in the preceding section, shall be apportioned between the said municipality of Shuniah and the said town of Port Arthur as may be agreed upon; and in case of no agreement, then by

Arbitration.

the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Shuniah and the town of Port Arthur, and the third being chosen by the said two, and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third, and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly

Proviso.

appointed by the said respective municipalities. Provided

that

that nothing in this Act shall in any way affect the settlement heretofore made of the claims and liabilities between the town of Port Arthur and the municipality of Shuniah.

Construction of electric street railway.

5. Notwithstanding anything to the contrary in any general Act contained, it shall and may be lawful for the corporation of the town of Port Arthur, and the said corporation is hereby required before the first of October, 1893, to construct, extend, and operate the electric street railway of the said town into that portion of the municipality of Neebing known as Fort William East, and to extend and operate the same into Fort William West, subject however to such terms and conditions with reference to the streets which may be used for that purpose, and the maintenance and repair of such streets, as may be imposed by the Lieutenant-Governor in Council in case of any dispute which may arise from time to time between the municipalities with regard thereto.

Collection of taxes.

6. Whereas, the financial year of the municipality of Shuniah ends on the 30th day of June in each year, and the financial year for the municipality of the town of Port Arthur ends on the 31st day of December in each year, and it is advisable that special provision be made for the collection of taxes for one half year upon the land hereby added to the town of Port Arthur: Therefore, the corporation of the town of Port Arthur is hereby authorized and empowered during the year 1893 to impose upon the lands added by this Act to the said town and taken from the municipality of Shuniah a tax of fifty per centum in addition to the amount imposed for the year 1893.

CHAPTER 83.

An Act to incorporate the Town of Rat Portage.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the municipality of the township of Rat Portage is rapidly increasing in population, and is becoming a manufacturing and mining point and a shipping port of considerable importance; and whereas the municipal council of the said municipality of the said township of Rat Portage, have petitioned to have the said municipality incorporated into a town with all the powers of incorporated towns in the Province of Ontario, and have by their petition represented

that the incorporation of the said municipality as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Rat Portage incorporated.

1. On and after the passing of this Act, the said municipality of the township of Rat Portage, shall be and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Rat Portage" and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

Limits of town.

2. The said town of Rat Portage, shall comprise and consist of the lands lying within the limits described as follows, that is to say:—Beginning at the intersection of the west limit of the township of Rat Portage with the shore of Portage bay; thence due north along the west limit of the said township to the north-west corner of the said township; thence due east along the north boundary of the said township, and including all of Jay and Old Fort islands, to the north-east corner thereof; thence due south along east boundary of the said township and across Lawrence lake to a point due east on the line produced of the north limit of location K17; thence due west along the said north limit of location K17, and the line thereof produced to a point three chains westerly from the waters' edge of Lake of the Woods; thence following the winding of the shore of the Lake of the Woods distant three chains therefrom to a point three chains southerly from the southerly point of location 121P; thence south-westerly to a point distant three chains south-easterly from the most south-easterly point of Coney island; thence following the windings of the shore of Coney island, and distant three chains therefrom to a point distant three chains south-westerly from the south-westerly point of Coney island; thence north-westerly to a point distant three chains from the north-westerly point of location K35; thence south-westerly, following the winding of the shore and at a distance of three chains therefrom, to a point distant three chains due south from the point of beginning; thence due north three chains to the point of beginning.

Wards.

3. The said town of Rat Portage shall be divided into three wards, to be called respectively the north, south, and west wards, which said several wards shall be respectively composed and bounded as follows:—

The

North Ward.

The north ward shall comprise all that portion of the town of Rat Portage, which is bounded as follows: First, beginning at the intersection of the north shore of Lawrence lake with the east boundary of the town of Rat Portage; thence due north along the said east boundary to the north-east corner of the town of Rat Portage; thence due west along the north boundary of the said town of Rat Portage to its intersection with the east shore of the Winnipeg river; thence southerly along, following the east shore of the Winnipeg river and the shore of the Lake of the Woods to its intersection with the centre of Second street to its intersection with Lawrence creek; thence easterly along the shore of Lawrence creek and Lawrence lake to the place of beginning. Second, beginning at the intersection of the north-west shore of the west branch of the Winnipeg river with the west boundary of the town of Rat Portage, thence north along the said west boundary of the town of Rat Portage, to the north-west corner of the town of Rat Portage, thence due east along the said north boundary of the town of Rat Portage, to its intersection with the shore of Winnipeg river; thence south-westerly along and following the shore of Winnipeg river in all its windings to the place of beginning. Third, beginning at the west end of the bridge on the Government road across the east branch of the Winnipeg river on the south-east shore of Tunnel Island; thence following the shore in all its windings to the place of beginning. Fourth, beginning at a point in Old Fort Island, opposite, and due west of the point of intersection of the north boundary of the town of Rat Portage with the east shore of Winnipeg river; thence following the shore in all its windings to the place of beginning. Fifth, beginning at a point in the shore of Jay Island opposite to and due east of the intersection of the north boundary of the town of Rat Portage with the west shore of the Winnipeg river; thence following the shore in all its windings to the place of beginning.

South Ward.

The south ward shall consist of that portion of the said town lying south of a line commencing at the intersection of the north shore of Lawrence lake with the east limit of the said town; thence westerly following the north shore of Lawrence Lake and Lawrence Creek to the intersection of the centre of Second street with Lawrence creek; thence westerly along the centre of Second street to a point distant three chains westerly from the waters' edge of Lake of the Woods; thence south-westerly midway between Coney island and the mainland to the north, to the westerly boundary of the said town.

West Ward.

The west ward shall comprise all that part of the town of Rat Portage, which is bounded as follows: First, beginning at the intersection of the shore of the Lake of the Woods with the west boundary of the town of Rat Portage south of

the

the Canadian Pacific Railway: thence due north along the said west boundary to its intersection with the shore of the Winnipeg river: thence easterly following the shore of the Winnipeg river in all its windings, and the shore of the Lake of the Woods in all its windings, to the place of beginning. Second, two small islands lying east of the Minnesota and Ontario Lumber Company's location.

Exemption of dams from taxation.

4. Inasmuch as the construction of certain dams hereinafter mentioned will involve the expenditure of very large sums of money and will tend to the development of the prosperity of the town hereby incorporated, all property vested in any person or body corporate used for the purpose of a dam connecting the shores of any islands or of any island with the main land and all approaches to said dams within the municipality shall not be liable to, but shall be exempt from assessment and taxation. The said dams shall be used as public highways, but shall not vest in the corporation of the municipality, nor shall the corporation of the municipality be bound to keep the same in repair; and the exemption of same from assessment and taxation shall continue only so long as the said dams shall be maintained and fit for use as public highways.

Assessment of land benefited by dams.

5. In assessing land within the municipality the land shall not be assessed to the extent of any amount by which the value of the land is directly enhanced by reason of any water power directly connected with, appurtenant to or used therewith arising from or created by any dam aforesaid.

Municipal laws to apply.

Rev. Stat. c. 184.

6. The provisions of *The Municipal Act* and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of the said *Municipal Act* shall except, as far as herein otherwise provided, apply to the said corporation of the town of Rat Portage in the same manner as if the said township had been erected into a town, under the provisions of the said Acts.

Nominations for first election.

7. On the first Monday in the month of May, in the year of our Lord one thousand eight hundred and ninety-two, it shall be lawful for John Kerr Brydon, or the township clerk for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Rat Portage for at least one week, to hold the nominations for the first election of mayor and councillors at the town hall, in the said town of Rat Portage, at the hour of noon, and he shall preside at the said nominations or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nominations, and such chairman shall have all the powers of a returning officer, and for the polling for the

said

said election (if necessary) shall be held on the same day of the week, in the week next following the said nominations, and the returning officer or chairman shall at the said nominations publicly announce the place in each ward at which the polling shall take place.

Deputy returning officers.

8. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each deputy returning officer shall before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Council, how composed.

9. The council of the said town of Rat Portage, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and six councillors, two councillors being elected for each ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling on the same day of the week next following the week of the nomination, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Declarations of office and qualifications.

10. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualifications required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Qualifications at first election.

11. At the first election of mayor and councillors, for the said town of Rat Portage, the qualifications of electors and that of officers required to qualify, shall be the same as that required in towns by the municipal laws of Ontario.

Expenses of Act.

12. All expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said town of Rat Portage, or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

13.

By-laws and regulations continued.

13. All by-laws and municipal regulations, which are in force in the township of Rat Portage, shall continue and be in force as if they had been passed by the corporation of the town of Rat Portage, and shall extend and have full effect within the limits of the town hereby incorporated, except such by-laws and municipal regulations as may hereafter be repealed by the said corporation of the town of Rat Portage, not inconsistent with this Act.

Assets and liabilities assumed by town.

14. The property, assets, debts, liabilities, and obligations of the township of Rat Portage shall belong to and be assumed and paid by the corporation of the town of Rat Portage, and all officers of the said township of Rat Portage shall continue to act, and have power as such officers of and within the town of Rat Portage.

Collection of arrears of taxes.

15. Arrears of taxes due to the corporation of the said town of Rat Portage shall be collected and managed in the same way as the arrears due to towns separated from counties and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes or to deeds given therefor, shall apply to the corporation of the said town of Rat Portage, and to sales of land therein for arrears of taxes due thereon.

Assessment roll for 1892 confirmed.

16. The assessment roll as prepared and completed by the assessor of the municipality of the said township of Rat Portage, for the year one thousand eight hundred and ninety-two, from the first day of January to the thirty-first day of December in the year one thousand eight hundred and ninety-two, shall be valid to all intents and purposes as if the said assessor had been appointed by the council of the said town of Rat Portage, and the subsequent assessment rolls of the said town of Rat Portage shall be prepared and completed in the same manner as assessment rolls in towns in the Province of Ontario.

Stipendiary Magistrate to perform duties of County Judge under municipal laws.

17. Until there shall be a resident judge at Rat Portage, for the district of Rainy River, the stipendiary magistrate of the said district for the time shall have and exercise all the powers of the Judge of the County Court under the existing municipal laws of the Province of Ontario.

Power to transfer certain lands for park and cemetery purposes.

18. The municipal council of the said town of Rat Portage shall have power to pass a by-law for the purpose of transferring a block of land of thirty-seven acres more or less granted by the Crown to the corporation of the township of

Rat

Rat Portage for the purposes of a public park and cemetery, and the said mayor of the said town of Rat Portage is hereby authorized to execute a deed of said thirty-seven acres to a certain company for said purposes, and said land shall be used as a public park and cemetery and for no other purpose whatever, and the said company of said public park and cemetery shall perform all the duties incumbent upon them as such cemetery company in terms of the *Act respecting Cemetery Companies.* Rev. Stat. c. 175.

19.—(1) The said returning officer shall at the nomination provided for in section 7 of this Act receive nominations for two school trustees for each of the said wards and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act.* Nomination and election of school trustees.

(2) The first meeting of the board of public school trustees shall be held on the Wednesday of the week next following the week of the polling, or if there be no polling on the Wednesday of the week next following the week of the nomination at noon when the board of public school trustees for the township of Rat Portage shall cease to exist, and the trustees of the late school board shall hand over unto the new board of trustees all money and property belonging to the said school and the municipal council and officers shall pay over all moneys that may be due or may become payable to the old school board to the new board of trustees.

(3) One of said school trustees for each ward shall remain in office only for the unexpired part of the year 1892 and the other one for each ward until the end of the year 1893, and the length of time for each trustee shall be determined by lot at the first meeting of the new board of trustees.

20. Nothing in this Act shall be taken as in any way interfering with the operation of the Act passed in the 50th year of the reign of Her present Majesty, chaptered 62, but the said Act shall be and remain in full force and effect, and shall be read as though the words "the corporation of the town of Rat Portage" were substituted for the words "the municipality of Rat Portage," and the words "the said municipality" in the first, third, fourth and fifth sections thereof. 50 V. c. 62 not to be affected.

CHAPTER

CHAPTER 84.

An Act to enable the Corporation of the Village of Renfrew to issue certain Debentures.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the village of Renfrew, in the county of Renfrew, have by their petition represented that the said corporation incurred a debenture liability of $30,000; under their by-law number 146, passed on the 21st day of October, 1872, in aid of the Canada Central Railway Company by taking stock in said railway company to the said amount of $30,000; and whereas the said debentures mature on the 1st day of February, A.D. 1893, and no proper sinking fund has been provided, or is now available for the redemption thereof, except a sum of $6,000, which is an amount realized upon the sale of said Canada Central Railway stock with the interest since earned thereby together with one of said debentures redeemed on the first day of January, A.D. 1878, being the sum of $7,000 now available to apply in reduction of said debenture debt; and whereas the said corporation have by their petition prayed that an Act may be passed to authorize the issue of debentures to the amount of $23,000 for the purpose of paying off the balance of the said Canada Central Railway debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall be lawful for the said village of Renfrew to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the reeve and countersigned by the treasurer for the time being in such sums, and not exceeding in the whole $23,000, as the said corporation may from time to time direct, and the principal sum secured by said debentures, and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Power to borrow or sell debentures.

2. The corporation of the said village, may, for the purposes mentioned in section 6 of this Act, raise money by way of loan on said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time, as they may deem expedient.

3. The said debentures shall be for $500 each, and shall be payable in not more than twenty years from the issue thereof as the said corporation may direct; coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the first days of the months of February and August in each and every year during the currency of said debentures at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Payment of debentures and interest.

4. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of December, 1892, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Debentures to be payable yearly.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called "The 1893 Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them. Special rate.

6. Said debentures and all moneys arising therefrom shall be applied to redeem the balance of the debentures of said municipality maturing on the 1st day of February, 1893, issued to aid the Canada Central Railway Company to the amount of $23,000 and for no other purpose whatever, and such debentures may be known as "Renfrew Debentures of 1893." Application of debentures.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created by such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed.

8. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule "B" to this Act. Form of debentures and by-laws.

9. It shall be the duty of the treasurer, from time to time, of the said village to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular Treasurer to keep proper books,

statement,

statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payments of which is thereby secured, and the times at which the said debentures shall respectively become due and payable. and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Consent of electors not required.

10. It shall not be necessary to obtain the consent of the electors of the said village of Renfrew to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by any Acts relating to municipal institutions.

Irregularity in form not to invalidate.

11. Any provision in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

12. This Act may be cited as *The Renfrew Debenture Act of 1892*.

SCHEDULE "A."

(*Section 8*).

No. $500.

RENFREW DEBENTURE OF 1893.

Village of Renfrew, in the County of Renfrew.

Under and by virtue of "*The Renfrew Debenture Act of 1892*, and by virtue of by-law No. of the corporation of the village of Renfrew, passed under the provisions contained in

the

the said Act, the corporation of the village of Renfrew, in the county of Renfrew, promise to pay to the bearer at in the village of Renfrew aforesaid, the sum of five hundred dollars, on the day of and the half-yearly coupons for interest attached hereto, as the same shall severally become due.

Dated at the village of Renfrew, in the county of Renfrew, this day of , A.D.

Reeve.

Treasurer

(CORPORATE SEAL).

SCHEDULE "B."

(*Section 8*).

By-law No. , to authorize the issue of debentures under the authority of *The Renfrew Debenture Act, 1892.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Renfrew Debentures, of 1893," not exceeding the sum of $ in the whole, as the corporation of the village of Renfrew in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $ payable on the day of and on the day of (*or as the case may be*), with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said village of Renfrew according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was

Therefore the municipal council of the corporation of the village of Renfrew enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Renfrew Debentures of 1893," to the extent of the sum of $, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly, on the first day of December in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

CHAPTER

CHAPTER 85.

An Act to provide for the division of the Township of Sandwich East.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS certain inhabitants of the township of Sandwich East, in the county of Essex, have by their petition represented that it is expedient to separate the said township of Sandwich East into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas there is no opposition to the said division; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of the township of Sandwich South.

1. Upon, from and after the last Monday of December, 1892, the inhabitants of all that portion of the township of Sandwich East aforesaid, which lies south of the "French survey," or the third concession road allowance of the said township, and which comprises that portion thereof which is known as the "English survey," shall be incorporated as and shall constitute a separate township municipality under the name of the municipal corporation of the township of Sandwich South, and the said territory shall thereafter be deemed to be a separate municipality for all municipal, school and other purposes whatsoever, in the same manner, to all intents and purposes, as a township incorporated under *The Municipal Act*, and the township municipality hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

Rev. Stat. c. 184.

Incorporation of the township of Sandwich East.

2. Upon, from and after the said first day of January, 1893, the inhabitants of all that portion of the said township of Sandwich East which remains and is not so set apart into the said township of Sandwich South, and included in the territory thereof as in the first section of this Act set out shall be incorporated as and shall constitute a separate township municipality under the name of the municipal corporation of the township of Sandwich East, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner, to all intents and purposes, as a township incorporated under *The Municipal Act*, and the township municipality hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

Rev. Stat., c. 184.

3.

Adjustment of assets and liabilities.

3. All and every the assets and debts of the present municipality of Sandwich East shall be divided between the said respective municipalities of Sandwich South on the one hand, and Sandwich East on the other, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and as soon as the debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of the said debts, which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively, but each of the townships hereby created shall remain liable as surety in respect of the share (if any) of the said debts, which it is not its duty primarily to pay.

First election in new townships.

4. The first nominations for the election of municipal councillors for the said townships shall take place on the last Monday of December, 1892, and the polling (if any) at such election shall take place on the first Monday in January next thereafter, and the place for holding such nomination for the township of Sandwich South shall be at Old Castle Station, and William Cole of the township of Sandwich South (or in the event of his being unable or unwilling to act, some suitable person to be named by the present council of the township of Sandwich East a reasonable time before such day of nomination) shall be returning officer at said election; and the place for holding the nomination for the township of Sandwich East shall be at the township hall, and the returning officer at such election shall be the township clerk of the present township of Sandwich East; and the township council of the present township of Sandwich East shall divide the said townships of Sandwich South and Sandwich East into polling sub-divisions and appoint deputy-returning officers therefor for the first election to be holden therein as provided by the statutes in that behalf.

Certain provisions of Rev. Stat. c. 184 to apply.

5. The provisions of *The Municipal Act* and amendments thereto, having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed as if said township had been a union of townships except where it is otherwise herein specifically provided; and for the purpose of applying such provisions, the said township of Sandwich East shall be deemed to have been the senior township, and the township of Sandwich South shall be deemed to have been the junior township, and the corporation of the township of Sandwich East shall be deemed to be a continuation of the said corporation of the township of Sandwich East.

Clerk of Sandwich East to furnish copies of assessment roll.

6. The clerk of the said township of Sandwich East shall furnish to the returning officer of the township of Sandwich South before the said election a copy of the assessment roll of the

the township of Sandwich East for the year 1892, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the township of Sandwich South.

Liability to maintain ditches, etc., not affected.

7. Nothing in this Act contained shall be construed to have the effect of relieving any owner of lands or any municipality from any liability existing at the time of passing of this Act for maintaining and keeping in repair any ditch, drain, creek, or watercourse, but such liability shall continue as if this Act had not been passed; and in all future assessments in respect of any ditch, drain, creek or watercourse being partly in both the townships of Sandwich South and Sandwich East, rates shall be levied in both the said townships and all assessments in respect thereof shall be made in the same manner as if this Act had not been passed.

Expenses.

8. All expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required for the passing of the same and all expenses necessary to put this Act into effect shall be borne and paid by the township of Sandwich South to any parties entitled thereto.

CHAPTER 86.

An Act respecting the Township of Seymour.

[*Assented to 14th April, 1892.*

WHEREAS the corporation of the township of Seymour in the united counties of Northumberland and Durham have by their petition represented that the bridge called the Narrows Bridge, across the river Trent, and situate near the boundary between the said united counties of Northumberland and Durham and the county of Peterborough, but lying wholly within the township of Seymour, was erected in or about the year 1874, by moneys obtained from the Government of Ontario, and grants from the said united counties of Northumberland and Durham and the county of Peterborough, and that the said bridge is a very expensive bridge to maintain and such maintenance is beyond the ability of the township of Seymour so to do; and whereas the said united counties of Northumberland

and

and Durham and the county of Peterborough have declined to assist in the maintenance of the said bridge; and whereas the township of Seymour has requested and the said united counties of Northumberland and Durham and the county of Peterborough have consented that the township of Seymour be permitted to abandon the said bridge, and be relieved from the maintenance thereof;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the corporation of the township of Seymour at any time after the passing of this Act, by by-law to abandon the bridge called the Narrows Bridge across the river Trent, in the township of Seymour, near to the boundary line between the united counties of Northumberland and Durham and the county of Peterborough, and from and after the passing of such by-law the said corporation shall no longer be liable to keep up, repair or maintain the said bridge; provided always, that nothing herein contained shall in any way affect the present legal liabilities, if any, of either the united counties of Northumberland and Durham or the county of Peterborough with respect to the said bridge.

CHAPTER 87.

An Act respecting the Debenture Debt of the Town of Strathroy.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the municipal corporation of the town of Strathroy have by their petition represented that they have incurred debts and liabilities for the purpose of gravelling roads leading into the said town and for the erection of public school buildings and for fire protection to the extent of thirty thousand dollars, for which amount debentures were issued under a by-law of said municipality in the year 1872; and whereas in the by-law authorizing the issue of the said debentures provision was made for the payment of the principal sum by a sinking fund at maturity; and whereas the rate authorized by the said by-law to provide for the sinking fund has not been levied and the said corporation are unable to redeem the said debentures; and whereas the said debentures become due and payable during the year 1892; and whereas the said corporation by

their

their petition have prayed that they may be authorized to issue debentures for the sum of thirty thousand dollars aforesaid to meet debentures now falling due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow on debentures.

1. It shall be lawful for the corporation of the said town of Strathroy to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate a sufficient sum or sufficient sums to retire the said debentures amounting to $30,000 as they respectively become due.

Power to issue debentures.

2. It shall be lawful for the said corporation of the town of Strathroy from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being in such sums of not less than $100 and not exceeding $30,000 in the whole as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Raising money on debentures.

3. The corporation of said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly on the first day of the month of August in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per cent. per annum.

Portion of debentures to be payable annually.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of August, 1892, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them. Special rate.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Strathroy to the amount of $30,000 in payment of the said debt of $30,000 and in no other manner and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures." Application of debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do from to time, but only with the consent of the holders thereof call in any of the outstanding debentures and shall discharge the same with funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in outstanding debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debt satisfied.

10. It shall not be necessary to obtain the assent of the electors of the said town of Strathroy to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act.* Assent of electors not required. Rev. Stat. c. 184.

11. It shall be the duty of the treasurer from time to time of the said town to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be Treasurer to keep book of debenture account.

open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Present indebtedness not discharged.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Strathroy from any indebtedness or liability which may not be included in the said debt of the said town of Strathroy.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Inconsistent provisions not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or any of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Short title.

15. This Act may be cited as "*The Strathroy Debenture Act, 1892.*"

SCHEDULE "A."

(*Section 13.*)

PROVINCE OF ONTARIO, TOWN OF STRATHROY CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of *The Strathroy Debenture Act, 1892*, and by virtue of by-law No. of the corporation of the town of Strathroy, the corporation of the town of Strathroy, promise to pay to the bearer at in the sum of on the first day of August, one thousand, hundred and , and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Strathroy, this day of A.D.

Mayor.
Treasurer.

SCHEDULE

SCHEDULE "B."

(*Section 13.*)

By law No. To authorize the issue of debentures under the authority of *The Strathroy Debenture Act, 1892.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of $30,000 in the whole, as the corporation of the town of Strathroy may, in pursuance of and in conformity with, the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $30,000 payable on the day of and on the day of (*or as the case may be*) with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Strathroy, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was $

Therefore the municipal council of the corporation of the town of Strathroy enacts as follows;—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of $30,000, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly, on the first day of December in each year.

This by-law passed in open council this day of , in the year of our Lord, one thousand eight hundred and

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CHAPTER 88.

An Act to incorporate the Town of Sudbury.

[*Assented to 14th April, 1892.*

Preamble

WHEREAS that certain portion of the township of McKim in the District of Nipissing known as the village of Sudbury is rapidly increasing in population and by reason of its central location in the nickel mining district of the Province

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of Ontario, and its position as the junction of the Algoma branch of the Canadian Pacific Railway, is likely to become an important business, mining and railway centre; and whereas the inhabitants of said village have by their petition represented that the incorporation of said village as a town would promote its future progress and prosperity and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Town of Sudbury incorporated.

1. On and after the passing of this Act the said village of Sudbury shall be and is hereby constituted a corporation or body politic under the name of "The Corporation of the town of Sudbury," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws of the said province.

Limits of town.

2. The said town of Sudbury shall comprise and consist of the lands lying within the limits described as follows, that is to say :—comprising township lots numbers four, five, six and seven in the third concession, and township lots numbers four, five, six and seven in the fourth concessson of the township of McKim in the District of Nipissing as the said lots are laid down upon the original survey of said township, including all allowances for roads lying between any of said lots or between said concessions.

Wards.

3. The said town shall be divided into three wards, to be called respectively the "Ryan ward," "Fournier ward" and McCormack ward," which several wards shall be respectively composed and bounded as follows, that is to say: Ryan ward shall consist of and comprise all that part of the said town of Sudbury consisting of lots six and seven in the third concession and lots six and seven in the fourth concession of the said township of McKim. Fournier ward shall consist of and comprise all that part of said town of Sudbury comprising lots four and five in the fourth concession of the said township, and McCormack ward shall comprise and consist of lots four and five in the third concession of the said township.

Provisions of Rev. Stat. c. 184 and amendments to apply.

4. The provisions of *The Municipal Act* and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Municipal Act* shall, except as herein otherwise provided, apply to said corporation of the town of Sudbury in the same manner as if the said village had been erected into a town under the provisions of the said Act.

5.

Nominations for first election.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for T. J. Ryan or the township clerk for the time being who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Sudbury for at least one week, to hold the nomination for the first election for mayor, reeve and councillors at the town hall in the said town of Sudbury, at the hour of noon, and he shall preside at the said nomination or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at said nomination, and such chairman shall have all the powers of a returning officer and the polling for said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling shall take place.

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each deputy returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of township of McKim to furnish copy of assessment roll.

7. The clerk of the said township of McKim shall, upon demand made upon him by said returning officer or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the first election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such true copy shall be verified on oath.

Council, how composed.

8. The council of said town to be elected in manner aforesaid shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nominations; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario,

and

and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by said municipal laws on such councils.

Declaration of office and qualification

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualifications now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualifications at first election.

10. At the first election of mayor, and councillors for the said town of Sudbury, the qualification of electors and that of officers required to qualify shall be the same as that required in townships by the municipal laws of Ontario.

Expenses of Act.

11. All expenses incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said town of Sudbury or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

By-laws now in force continued.

12. All by-laws and municipal regulations which are in force in the township of McKim shall continue and be in force as if they had been passed by the corporation of the town of Sudbury, and shall be extended to and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

CHAPTER 89.

An Act to incorporate the Town of Thessalon.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the lands hereinafter mentioned are rapidly increasing in population; and whereas the unincorporated village of Thessalon, situated in said lands, is an important lumbering, manufacturing and milling centre, and is the place of business for a large tract of territory; and whereas the residents and ratepayers of said lands have petitioned to be separated from the municipality of Thessalon and formed into a corporate town, and have by their petition represented that the incorporation of said lands as a town would tend to its advance-

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ment and prosperity, and empower its ratepayers to make the most desirable regulations for the care, protection and improvement of property, and have prayed for incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent or the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Thessalon incorporated.

1. On and after the passing of this Act the lands hereinafter described shall be separated from the municipality of Thessalon, and the residents and ratepayers thereof shall be and they hereby are constituted a corporation or body politic under the name of "The Corporation of the Town of Thessalon" and shall enjoy and have all the rights, powers and privileges of enjoyed and exercised by incorporated towns separated from counties in the Province of Ontario under the existing munipal laws of the said Province.

Limits of town.

2. The town of Thessalon shall comprise and consist of the following lands, that is to say: That part of the western portion of the township of Thessalon in the district of Algoma, known as Dyment's mill property, river lots numbers one and two and sections numbers six and seven in said township, which said lands may be better known and described as follows, that is to say: Commencing at the south-west corner of section number five in the said western portion of the township of Thessalon; thence notherly along the eastern boundary of Dyment's mill property, as shewn on a plan of the township of Thessalon, registered in the registry office for the district of Algoma, to the southerly boundary of river lot number seven in the said township of Thessalon; thence westerly along the said southerly boundary of said river lot seven to the Thessalon river; thence southerly along the said Thessalon river to a point where the northerly boundary of river lot number two intersects said Thessalon river; thence westerly along the northerly boundary of said river lot number two, and along the northerly boundary of section number six in the said western portion of said township to the water's edge of lake Huron; thence southerly along the water's edge of lake Huron to Thessalon point; thence northerly along the water's edge to the mouth of the Thessalon river; thence easterly and northerly along the water's edge to the place of beginning, and all water lots in front of said lands, containing by admeasurement seven hundred and eighty-eight acres, more or less.

Wards.

3. The said town shall be divided into three wards to be called respectively the First, Second and Third wards. The First ward shall comprise and consist of all the land within the said town of Thessalon lying east of the centre line of Main street.

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The Second ward shall comprise and consist of all the land within the said town of Thessalon between the said centre line of Main street and the centre of the Thessalon river, and the Third ward shall comprise and consist of all the land within the said town of Thessalon west of the centre of said Thessalon river.

Application of Rev. Stat. c. 184.

4. Except as otherwise provided by this Act, the provisions of *The Municipal Act* and of any Act amending the same with regard to matters consequent upon the formation of new corporations shall apply to the said town of Thessalon in the same manner as if the said lands had been an incorporated village and had been erected into a town under the provisions of the said Acts.

First election.

5. On the first Monday in May, 1892, it shall be lawful for Jacob Stevenson, bailiff of the third division court of the district of Algoma, or the bailiff of said court for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor and councillors at the Foresters Hall in the said town of Thessalon, having first caused one week's notice thereof to be posted up in three conspicuous places in each of said wards; and he shall preside at said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the nomination; and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided; and such returning officer, and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers and deputy-returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Clerk of Thessalon furnish copies of assessment roll

7. The clerk of said municipality of Thessalon and any other officer thereof shall, upon demand made upon him by the said returning officer or any officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman with a certified copy of so much

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of the last revised assessment roll for the said municipality of Thessalon, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, documents, statements, writings or deeds that may be required for that purpose, and the said returning-officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

8. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner; and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Municipal Act*, and any Act amending the same, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in councils of towns separated from counties, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Declarations of office and qualification.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of the Province of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

10. At the first election of mayor and councillors for the said town of Thessalon the qualification of mayor and councillors, of officers required to qualify and of electors, shall be the same as that required in the municipality of Thessalon.

Expenses of Act.

11. The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

By-laws in force in Thessalon continued.

12. All by-laws which are in force in the municipality of Thessalon shall continue to be in force as if they had been passed by the corporation of the town of Thessalon, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

13.

Apportionment of assets and liabilities.

13. Except as otherwise provided by this Act the property, assets, debts, liabilities, and obligations of the municipality of Thessalon shall be apportioned between the said municipality of Thessalon and the said town of Thessalon as may be agreed upon; and in case of no agreement then by the award of three arbitrators or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Thessalon and the town of Thessalon, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators or a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities.

Arrears of taxes.

14. Arrears of taxes due to the said corporation of the town of Thessalon shall be collected and managed in the same way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officer in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Thessalon and to sales of lands therein for arrears of taxes due thereon and to deeds given therefor.

Time for taking assessment.

15. The council of the said town may pass a by-law for taking the assessment of the said town for the year from the 1st of January to the 31st of December, 1892, between the first day of May and the 1st day of August, 1892; and if any such by-law extends the time for making and completing the assessment rolls beyond the 1st day of June, 1892, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the judge twelve weeks from that day.

Existing liabilities not affected.

16. Nothing contained in this Act shall free the townships or wards comprising the municipality of the town of Thessalon hereby formed from any liability now existing against the municipality of Thessalon, and the creditors of the said municipality of Thessalon shall continue to have all the rights and remedies which they had previous to the passing of this Act,

for

for the enforcement of their claims against the townships and wards heretofore comprising the said municipality of Thessalon.

Inconsistent provisions not to apply.

17. All provisions of law relating to the municipality of Thessalon, and inconsistent with this Act shall not apply to the town of Thessalon, or the lands within the limits of the said town.

CHAPTER 90.

An Act respecting the City of Toronto,

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the city of Toronto by its petition has prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to contract for reclamation of Ashbridges' Bay.

1. For the purpose of carrying out the proposed reclamation of Ashbridge's bay and the marsh lands in the neighborhood thereof, the corporation of the city of Toronto may make agreements with Robert Alexander and L. H. Stevens, or with any other persons providing for a lease (with or without the right of purchase) to the said persons with or without other persons, of the lands and lands covered with water comprised in certain Letters Patent from Her Majesty to the said corporation, dated May 18th, 1880, and April 17th, 1882, and for carrying out a scheme for the reclamation and improvement of the said lands, including the marsh and Ashbridge's bay, and such agreement may provide for the exemption from taxation for a period to be therein named, of any or all of the lands so to be reclaimed, and of the improvements to be made thereon, including machinery and plant; but any such agreement shall be subject to and have no effect without the approval of His Honour the Lieutenant-Governor in Council.

Esplanade agreement confirmed.

2. An agreement between the corporation of the city of Toronto, the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, which is known as the tripartite agreement and which is printed as Schedule

"A"

"A" hereto with any modifications thereof, which said parties thereto may agree upon, shall, when duly executed by the said parties respectively be valid and binding on the parties thereto, and the said corporation of the city of Toronto is hereby declared to have and shall have full power to do all the acts necessary to give full effect to the said agreement. Provided always, that the said corporation of the city of Toronto shall pay any person whose lands are injuriously affected by any acts of the said corporation in the execution of the said agreement, compensation or damages therefor, which if not mutually agreed on shall be ascertained by arbitration in accordance with the provisions of *The Municipal Act*.

Rev. Stat. c. 184.

By-law No. 2,918 confirmed.

3. A certain by-law, number 2,918, of the city of Toronto, authorizing the issue of City of Toronto General Consolidated Loan Debentures to the amount of $300,000, for the purpose of carrying out the terms of the said agreement, and which by-law was on the 16th day of July, 1891, carried by a vote of 2,037 against 1,659, of the ratepayers qualified to vote on money by-laws, is hereby validated and confirmed.

Power to issue debentures for street railway pavements.

4. The corporation of the city of Toronto may construct, repair, renew and maintain pavements on those portions of the streets of the said city occupied by the right of way of the Toronto Railway Company (being a width for single tracks of eight feet three inches and for double tracks of sixteen feet six inches), and to defray the cost thereof may issue local improvement debentures, to be called "City of Toronto Street Railway Debentures," which debentures may be made for any period not exceeding the life of the said respective pavements as certified by the city engineer, but in no case to be more than ten years and the interest upon and the amount of annual sinking fund necessary to discharge the said debentures at their maturity shall be and continue during the currency thereof, a first charge upon all moneys received by the said city by way of mileage revenue from the said Toronto Railway Company. Provided, that the amount of such debentures at any time outstanding shall be limited to such sum that the interest and sinking fund payable thereon in any year shall never exceed the amount receivable by the said corporation in the said year by way of mileage revenue from the said company.

Power to pave remainder of streets.

5. Pursuant to the powers contained in and according to the procedure provided by *The Municipal Act* the said corporation may at the same time or at any other time pave the remaining longitudinal sections of the said streets and may assess the cost thereof as a local improvement upon the abutting properties pursuant to the provisions of the said Act, and in construing the said Act it shall be held that such paving is a work of the class referred to in sub-section 2 of section 612 of the said Act.

6.

6. All by-laws passed by the council of the said city since the 4th day of May, 1891, and before the 31st day of December, 1891, for borrowing money and all debentures issued or to be issued thereunder and all special assessments made for the payment of such debentures, are hereby validated and confirmed; Provided, that nothing herein contained shall apply to any by-law in respect of which any proceedings have been taken to set aside or quash the same, and nothing contained herein or in the Act passed in the 54th year of Her Majesty's reign and chaptered 82 shall affect any action or proceeding now pending. Certain by-laws confirmed.

7. All property, both real and personal, owned by and standing in the name of the Parkdale Public School Board, at the date of the annexation of the town of Parkdale to the city of Toronto, by virtue of the Act passed in the 52nd year of Her Majesty's reign, chaptered 73, is hereby declared to have passed under the said Act to, and the same is hereby vested in the Toronto Public School Board for all the estate, right, title and interest of the Parkdale Public School Board therein. School property of Parkdale vested in Toronto School Board.

SCHEDULE "A."

(*Section 2.*)

Esplanade Tripartite Agreement.

As finally settled by the counsel and representatives of the City and the Railway Companies, and to be recommended for adoption by the City Council and the Boards of Directors of the Railway Companies.

This agreement, made this day of A.D. 1891

Between the Grand Trunk Railway Company, of Canada hereinafter called the "Grand Trunk" of the First Part;

The Canadian Pacific Railway Company, representing its own corporation, and the Toronto, Grey and Bruce Railway Company, the Ontario and Quebec Railway Company, and all other railway companies which it controls by lease, agreement or otherwise, hereinafter called the "Canadian Pacific," of the Second Part:

And the Corporation of the City of Toronto, hereinafter called "the City," of the Third Part.

The Grand Trunk and the Canadian Pacific being hereinafter referred to in the aggregate as "the Companies."—

Witnesseth that it is hereby mutually agreed between each one of the parties and the other two, and between each of the parties and each of the other two as follows:

1.

1. The map or plan to this agreement annexed, and marked No. 1 shall be part and parcel of this agreement, and be considered as embodied herein, and in the event of any doubt arising as to the meaning of any description of lands, streets, tracks, yards, stations, or other places, or any of the properties to be conveyed, the said map or plan shall be looked at and read as explanatory of such description.

2. In order to enable the Canadian Pacific to reach its tracks south of the Esplanade, the tracks in the yard known as the Midland Railway yard, between Berkeley street and Parliament street, shall be rearranged, and for this purpose Berkeley street shall not be opened or kept open as a highway between the north side of the tracks shown on the said plan as so rearranged and the prolongation easterly of the southerly limit of the Canadian Pacific right of way between Princess street and Berkeley street and on the same curve. The city will convey or procure to be conveyed in fee simple the portion of Berkeley street between the north limit of the tracks (as so rearranged) and the south limit of the Grand Trunk right of way, to the Grand Trunk, and the remaining portion to the Canadian Pacific, as shown in pink and blue respectively on said plan, reserving all existing rights of the city to enter upon the same for the construction, reconstruction, inspection and repair of sewers and water mains along or under the said portion of said street; subject to the supervision respectively of the Grand Trunk and Canadian Pacific in the matter of the safety of their respective tracks. No building to be erected on the prolongation of Berkeley street so conveyed. A new access from the north to Esplanade street *via* Berkeley street to be provided by deviating Berkeley street, as shown on the said plan. The Canadian Pacific to acquire the land necessary for such deviation, and to indemnify the city in respect of all claims by any others than the parties hereto for compensation or damages (if any) incurred by reason of such deviation, rearrangement of yard and tracks, and closing of said street as aforesaid, including costs (if any) incident thereto. The Grand Trunk to have the right to place and maintain its tracks on that portion of Esplanade street adjoining Berkeley street, coloured green on said plan marked by letters A, B, C, neither the Grand Trunk nor the city to be required to provide or pay for the land required for such deviation or to satisfy any claims in connection with the acquisition thereof, or any claims that may be made in consequence of the closing of part of Berkeley street as aforesaid. Until the new street south of the old Windmill Line, between Parliament and Berkeley streets, is constructed, the Grand Trunk is to provide, at its own expense, a temporary road south of its tracks from Parliament street to Berkeley street 40 feet in width.

3. The Grand Trunk to cause the removal forthwith of the Midland tracks on Esplanade street between Berkeley street

and

and Rogers' siding, and to connect the Midland tract now on Esplanade street, west of Rogers' siding, with their own tracks at or near Frederick street, and no new track shall be laid on said street excepting that necessary for said connection, nor without the approval of the Railway Committee of the Privy Council of Canada. The tracks and connections as rearranged on the north 47 feet 6 inches of Esplanade street to be subject to the provisions of the agreement made between the Grand Trunk, the Midland Railway of Canada and the City, bearing date the 14th day of January 1889.

4. Any person or corporation who may now or hereafter, as owner or tenant, hold land abutting on the north side of Esplanade street, and also on the south side of the Canadian Pacific tracks, or on the south side of the new street to the south thereof, such parcels of land being in whole or in part opposite other, may, subject to the requirements and provisions of the *Railway Act* as to overhead bridges, erect, at his or its own cost, an overhead bridge or trestle or other structure connecting such lands, for handling goods or freight, or for passenger traffic, the plans and specifications of any such structure and of its supports to be first submitted to and receive the approval of the city engineer and of the engineer of any railway company whose tracks are crossed by such structure, who may first require the person erecting or maintaining any such structure to indemnify the city and such railway company against all liability which may be occasioned thereby.

5. The City hereby agrees to extinguish, at its own expense, all the present rights of the public and of property owners to cross the railway tracks on the Esplanade, between Yonge street and the point where York street as deviated connects with Esplanade street, except at Bay street, and in consideration thereof each of the Companies agree to give up, without compensation, any right of crossing the said railway tracks between Bay and York streets, except at Bay street, and for such consideration the Grand Trunk further agrees to waive its contention that it is not liable to contribute to the cost of making or protecting level crossings at Church street, Yonge street and Bay street, and the Grand Trunk and the Canadian Pacific without prejudice to their rights in any other transaction, agree to pay each one-half of the cost and maintenance of such crossings, and of their protection by watchmen at the two former crossings, and by gates and watchmen at the latter crossing, such protection to be subject to the approval of the Railway Committee of the Privy Council of Canada, or to be made in such a way as it may direct.

6. No buildings to be erected south of the Esplanade on the line of Lorne street produced.

7. An overhead traffic bridge, with ramps and approaches for vehicles and foot passengers, to be constructed by the Canadian Pacific along the east side of York street according

to

to plans and specifications to be approved by the City Engineer of Toronto, and by the Chief Engineers of the Grand Trunk and Canadian Pacific (subject, in the event of the withholding of such approval or of any disagreement respecting the same, to the decision of the railway committee of the Privy Council of Canada) from the south side of Front street to such points south of the esplanade as are approximately shown on said plan. Such bridge to be of sufficient width to accommodate a double street railway track, with side spaces for vehicles and foot-walks, and to be so constructed as to give access for passengers by means of foot-walks, stairways or otherwise to the platforms of the proposed Union station herein referred to, and also with foot-walks extending to the ends of the ramps. In order not to interfere with the free use of York street as a thoroughfare to the proposed Union station the said bridge shall be so constructed that the westerly limit thereof shall coincide with the easterly limit of York street, as at present laid down, and the Canadian Pacific and the Grand Trunk hereby each agrees to surrender to the city so much of the lands or its interest therein, south of Front street and on the east side of York street, now held by it, as shall be required for this purpose. The City hereby agreeing to make a fair abatement of rent for the future in respect of the land or the interest so surrendered. But no party hereto shall have or make against any other party hereto any claim in respect of any other land being injuriously affected by reason of the construction of such bridge.

8. The rights, if any, which the Grand Trunk have, or claim to have, under any existing agreements with the City, that they, the City, shall not require the Grand Trunk to build, find or procure any bridges, ramps, crossings, or other approaches, over, along, or under the Grand Trunk Company's tracks on the esplanade, but that the City shall provide all such, if any, when required at their own expense, and that by said agreements the City guaranteed and indemnified the Grand Trunk of, from and against all claims and demands whatsoever for or by reason of the railway of the Grand Trunk Company being placed on said tracks in said agreements mentioned, also that they have the right and privilege to cross streets of the city on the level for the purpose of access to their stations and freight sheds in the city in such way and as often as their business requires, shall not be affected by this agreement; but all questions in regard to such rights and also as to whether any exemption or indemnity which the Grand Trunk may be entitled to thereunder includes exemption or indemnity in respect of the construction and maintenance of the said contemplated York street bridge, shall, in default of the parties agreeing in respect thereof, be determined by the submission, as soon as can be, of a special case, between the City and the Grand Trunk, to the Chancery Division of the High Court of

Justice

Justice of Ontario, with the right to either party of appeal. And in the event of the final decision of said case being that the said agreements are in force and binding upon the City and that under them or some one or more of them the Grand Trunk are entitled to exemption from such liability, or are entitled to indemnity against any such claim or claims as is or are mentioned above, including said liability in respect of contribution towards the said York street bridge—the Grand Trunk claiming that they are so exempt and entitled to indemnity, and the City claiming that they are not—then the Grand Trunk shall not be held liable or be called upon to bear any part of the cost of the said overhead bridges, except the John street bridge, which they have agreed to build, but the cost of the construction, reconstruction and maintenance of said York street bridge, including compensation for property, taken or injuriously affected thereby, and all costs incidental to any claims therefor, are to be assessed against and paid by the city and the Canadian Pacific in equal proportions. And in the event of the final decision being that the Grand Trunk is not so entitled, then the cost of the construction, reconstruction and maintenance of said York street bridge, including compensation for property taken therefor and thereby, and all costs incidental thereto, are to be assessed against and paid by the city and the Grand Trunk and the Canadian Pacific in such proportions, and shall be payable at such times and in such manner as the parties may agree upon, or in default of such agreement, as may be determined by an arbitrator or arbitrators (not exceeding three in number), to be appointed by the Chief Justice of Ontario upon summary application by any of the said parties after ten days' notice to the other parties proposed to be assessed therefor. If three arbitrators are appointed, the award of any two of them shall be final; and the provisions, as to arbitrations, of *The Municipal Act* and the *Acts respecting Arbitrations and References* shall apply as if incorporated therein. The arbitrators to be governed by the terms, conditions and general effect of such final decision in determining the proportions so to be paid, the value of any lands given or of any interest therein surrendered by any of the parties hereto, for the purpose of enabling the said bridge to be so constructed, to be taken into account in determining the proportions so respectively payable. Nothing herein contained shall be construed as an admission on the part of the Grand Trunk of any liability to contribute to the cost of the said bridge by reason of the amalgamation of that company with the Great Western or the Northern Railway Company, or for any other reason, which liability the said Grand Trunk expressly denies; nor shall anything herein contained relieve the Grand Trunk from any liability or prevent the City from claiming upon the argument of the said special case that the Grand Trunk is liable by reason of said amalgamation or for any other reason.

9. Upon the said companies providing the land required for deviating York street eastward, and which they agree to provide, as shown on the said plan, the City agrees to the said proposed deviation and abandons all claim to rent thereafter accruing due from the said companies, or any of them, to the City for the leasehold lands surrendered by the said companies to the City for the purpose aforesaid; and when such deviation has been carried out, the portion of Esplanade street east of York street shall be closed to the point where York street as so deviated, connects with Esplanade street, and the portion of York street lying south of the said deviation and north of Esplanade street shall also be closed and both said portions of said streets shall be conveyed to the Grand Trunk, who shall be free from all liability in respect of the closing of said streets, but such conveyance shall be subject to all the rights of the city referred to in section two of this agreement.

10. The Grand Trunk agrees to construct and maintain for all time, according to plans and specifications to be approved of by the City Engineer of Toronto and Edmund Wragge, C.E., or such other person as the Grand Trunk may nominate, and in case of disagreement between them the matter in difference is to be determined by Walter Shanly, C.E. (or in case of his death, refusal, or inability from any cause to act, then by such engineer as the parties may agree upon, or in the event of their disagreeing, then by such engineer as the Chief Justice of Ontario upon summary application by any of the said parties after ten days' notice to the other parties, may appoint), a suitable steel and iron overhead bridge, founded on masonry or steel and iron piers, for vehicles and foot passengers from the south side of Front street along the line of John street to a point thereon south of the esplanade to be determined by the City Engineer, the Grand Trunk doing the necessary filling on John street south of the esplanade and to the level thereof for the purpose of constructing the bridge and necessary approaches thereto, but the Grand Trunk not to be liable to pay for any length of bridge beyond one hundred (100) feet from the present south side of the esplanade, or for any filling which may be required owing to such extra length. The cost of such extra length, not exceeding, approximately, one hundred (100) feet, and also the cost of any extra filling caused thereby, to be born by the Canadian Pacific. The necessary southern ramp to be built by and at the cost of the City. Such bridge and the works in connection therewith to be commenced forthwith after the City has constructed the necessary crib-work protection on the south side of Lake street, from the east side of John street to the Water Works wharf, and the bridge and works to be completed within one year from the date of commencement.

11. Before the erection of the proposed Union Station referred to herein is commenced, the City shall close Esplanade street from the east side of York street to the east side of

Brock

Brock street, and Simcoe street from the south side of the street described in the 13th section of this agreement produced westerly across Simcoe street, and shall close Peter street and John street from the south side of Front street to the north side of Esplanade street, and shall convey the portions of such streets so closed, and the City's interest in the Esplanade, west of the said deviation of York street, to the Grand Trunk, who shall be free from all liability in respect of the closing of the said streets, or any of them, but subject to the rights of the city referred to in section 2 of this agreement, provided that no street west of Yonge street shall be closed unless and until the City or the Canadian Pacific shall have acquired the interests of, or settled with the tenants and sub-tenants of lots 5 to 25 inclusive of registered plan D, 118.

12. Within two years after the completion of the exchange of sites and the closing and conveyance of streets as herein provided for, the companies shall erect, or reconstruct, so as to have the same open for traffic, a Union Passenger Station of suitable design and capacity, on and adjoining the site of the present Union Station, the same to be in all respects such as the importance of the City may warrant, and the business of the Railway Companies using the same may require, and the Companies shall enter into an agreement between themselves for the joint working and user of the same, and for the use thereof by all passenger trains running upon lines operated by the said Companies, or either of them, and such Union Station shall be approximately in accordance with the plans hereto attached and marked No. 2, and such agreement shall set forth the manner of carrying out the said undertaking, and the respective interests therein of the Companies and the proportion in which the cost of erecting, reconstructing and of working the said Station shall be borne by the Companies, with all necessary covenants for joint working, using and occupation of the said Station, and in case of any difference between the Companies as to the said agreement, the points of difference shall be submitted to arbitration, each of the Companies appointing an arbitrator, and the two so appointed appointing a third, or in default of any of the arbitrators being so appointed any Judge of the High Court of Justice of Ontario may, on the application of either party, make the appointment, and the decision of such arbitrators, or a majority of them, shall be final and binding on both the companies. The term "Union Station" herein means the station buildings with all its appurtenances, and all tracks therein and leading thereto, between Yonge street and Peter street.

13. The Grand Trunk will dedicate to the public a street not less than 66 feet wide extending along the north side of the Union Station block from Simcoe street to York street.

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The City agrees that at the request of the Grand Trunk and Canadian Pacific, a part of the said street shall be designated as a stand for cabs or express wagons, but this shall not be done except on such request.

14. The City hereby agrees that the water lots bounded on the south by the new windmill line, on the east by the east limit of lot 48, registered plan 5A, produced southerly, on the north by the south side of the proposed Lake street, and on the west by the east side of York street, produced, marked block E on said plan marked No. 1, shall be held for all time to come by the City under such tenure as shall ensure it being made available for wharves for the accommodation of passenger steamers of all classes, and the slips (being respectively prolongations of Lorne street and of York street) shall also be so set apart and used that steamboats running in connection with or exchanging passengers with the Grand Trunk and Canadian Pacific, or either of them, shall have equal facilities with any other steamboats, and in consideration thereof the Grand Trunk agrees that for the sum or price of eighty thousand dollars it will sell and convey to the City the whole of its freehold property lying to the west of Simcoe street, produced, and south of the esplanade, and having a frontage thereon of about 250 feet; and will surrender to the City all its rights and interest in the leasehold property known as the Yacht Club lot, and in lots Nos. 1, 2, 3 and 4, registered plan D118, lying east of Simcoe street, produced, and also in any southward extension of all the said property and lots as contemplated by the Windmill Line agreement, reserving to itself the right to remove within three months after the deeding to the Grand Trunk of Esplanade street, as before set out, any buildings or tracks now upon the said freehold or leasehold property. In the event of any future extension into the Harbor of the City's front similar to that contemplated by the Windmill Line agreement, and of at least equal frontage and area to that of block E, the City may, in lieu of said block E, provide out of said extension a new block between Lorne and York streets, produced, and access thereto, to be held on the same tenure and to be made available for wharves and steamboats in the same manner and for the same purpose as is provided for in reference to said block E, and on the City making such provision and providing as ample accommodation, frontage and area or wharves and steamboats as could be given by said block E, the City may deal with said block E as they deem best.

15. Upon the City passing valid by-laws for the closing and deviation of the streets as hereinbefore mentioned, and closing, deviating and conveying the same as herein provided, the Companies agree to pay the City the sum of fifteen thousand dollars.

16.

16. Until the proposed rearrangement of yards and streets and the completion of the structures mentioned in this agreement are finally carried out, all reasonable access to the properties mentioned in this agreement, as well as to the City Water Works property, and to any other of the properties of any of the parties hereto, shall be given to each of the parties hereto for the purpose of its business, and to enable it to do the work and complete the contemplated arrangements. In case of any dispute as to what access and facilities should be given, then the same shall be decided as provided for in section 10 of this agreement.

17. The City hereby consents to the Grand Trunk obtaining a patent from the Crown of the prolongation of Peter street, lying between the south limit of the Esplanade and the old Windmill Line, and the Companies consent to the City obtaining from the Crown a patent of the prolongation of Simcoe and York streets, south of the Esplanade, for the purpose of including the same in the alternative site as hereinafter described.

18. And whereas the Canadian Pacific has heretofore taken steps toward obtaining a site in Toronto for its station grounds, tracks and appurtenances hereinafter called the "original site," and comprising an area bounded on the north by the Esplanade, on the east by Yonge street, on the south by a line known as the new Windmill Line, on the west by York street, together with a parcel of land intended for tracks and sidings, and extending westward from the said area as far as the east limit of lot No. 4, plan D118, lying next south of the esplanade, and widening from about 40 feet at the said east limit to about 110 feet at the east side of York street, and has obtained the fee simple of lot 38, hereinafter called the Mowat lot, as well as the leasehold under the City of those parts of lots 39, 40, west half of 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, registered plan 5A, lying south of the Esplanade, and the leasehold under the Baldwin estate of that part of the east half of lot 41 above mentioned.

And whereas the City has proposed that the Canadian Pacific shall, on the terms hereinafter contained, abandon the original site and take for the said purposes another further west hereinafter called the "alternative site," and the Canadian Pacific has consented so to do, which alternative site comprises an area butted and bounded, or otherwise known as follows, that is to say: Commencing on the south side of the Esplanade at the north-west corner of the City Water Works property, thence easterly along the south boundary of the Esplanade to the west side of Yonge street, thence southerly along the said west side to a point distant 50 feet southerly from the south limit of the Esplanade, and measured at right angles thereto, thence westerly parallel with the south bound-

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ary of the Esplanade to the production southerly of the east side of Bay street, thence in a right line to a point on the production southerly of the west side of Bay street, where it is intersected by the north boundary of the new street marked "proposed street" on said plan No. 1, and distant feet from the south limit of the Esplanade measured southerly along said production, thence south-westerly along the north side of the said proposed new street to the east limit of lot 48, registered plan 5A, thence southerly along that limit to a line known as the Old Windmill Line thence westerly along that Old Windmill Line to the production southerly of the west side of York street, thence southerly along that production to the line known as the New Windmill line, thence westerly along that New Windmill Line to the production southerly of the east side of John street, thence northterly along that production to a point distant on the same course feet from the south side of the Esplanade, thence northwesterly on a right line to a point on the west boundary of part of the City Water Works property, distant along that boundary 28 feet southerly from the south side of the Esplanade, thence northerly along that boundary to the place of beginning, except thereout Lake street and so much of the said lands as would be a prolongation of Bay street, and also such portions of block "F" as may be retained by the city in consideration of its carrying out the agreements with the Argonaut Boat House Co., W. H. Clindinning, and the Toronto Yacht Club, hereinafter mentioned, and with such other subtenants of any of the lots numbered 5 to 25 inclusive, on registered plan D118, as it may be necessary to deal with in a similiar way, the City reserving to itself the right to construct any portion of the east slope of the southern ramp of the John street bridge on such parts of the above lands as may be necessary.

19. The City agrees, with the assistance of the Canadian Pacific as hereinafter mentioned, to obtain such title to the alternative site as will enable it to convey the same to the Canadian Pacific to the extent and in the manner hereinafter described, and the Canadian Pacific agrees to consent to and assist the City in obtaining the said alternative site with all convenient speed, and that it will, at the expense and upon the request of the City, exercise its powers of expropriation for that purpose, except as regards the said property owned or held under lease by the Grand Trunk. The City agrees to indemnify the Canadian Pacific for all moneys, costs and charges that the Company may have to pay for the expropriation of the outstanding interests of the leaseholders of lots five to twenty-five inclusive, registered plan D118 (being part of the alternative site), and to carry out the agreements that have been made by the Canadian Pacific with the Argonaut Boat House Co., W. H. Clindinning, and the Toronto Yacht Club,

which

which are printed as schedules A, B and C hereto. And the City agrees to pay to the Canadian Pacific the cost of cribbing and filling on the alternative site of equal quantity to that which it shall have done on the original site or any part of it up to the time at which it surrenders possession of the same to the City under this agreement; also the cost of the construction and erection of the wharf and buildings on what is designated on the said plan as the Mowat lot. And the city further covenants and agrees to demise and lease the alternative site to the Canadian Pacific for successive terms of fifty years each, during all time to come. The rental for the first term of fifty years shall be eleven thousand dollars per annum, and the rental for each subsequent term of fifty years shall at each renewal be increased by two thousand seven hundred and fifty dollars per annum, and all rent shall be payable on the third days of July, October, January and April of each year. For the first quarter a proportionate amount to be paid, having regard to the time of possession under said lease.

20. And the Canadian Pacific covenants and agrees with the City that, upon the execution of such lease and the payment of the cost of the said cribbing, filling wharf and buildings above referred to, and the closing, deviating and conveying the portion of Berkeley street as aforesaid, it will assign, transfer and convey to the City all its interest in the lands colored upon the said plan, and which may be more particularly described as follows :—

BLOCK A.

Firstly, commencing at a point on the production southerly of the west limit of Yonge street, where it is intersected by a line drawn parallel with the south limit of the Esplanade and distant one hundred and ten feet measured southerly therefrom and at right angles thereto; thence south-westerly along said line, being the southerly limit of a new street marked "proposed street" on said plan No. 1, to the production southerly of the east limit of Bay street; thence southerly along that production to the north of Lake street; thence easterly and north-easterly along said limit of Lake street to the production southerly of the west limit of Yonge street; thence northerly along that production to the place of beginning.

BLOCK B.

Secondly, commencing on the south limit of Lake street where it is intersected by the production southerly of the west limit of Yonge street; thence southerly along that production to the line known as the New Windmill Line; thence westerly along the New Windmill Line to the production southerly of

the

the east limit of Bay street; thence northerly along that production to the south limit of Lake street; thence easterly and north-easterly along the south limit of Lake street to the place of beginning.

BLOCK C.

Thirdly, commencing at a point on the production southerly of the west limit of Bay street where it is intersected by the southerly limit of the said proposed new street, as shown on said plan marked No. 1; thence south-westerly along the said south limit to the westerly limit of lot 47, registered plan 5 A; thence southerly along the said limit to the north limit of Lake street; thence easterly along the north limit of Lake street to the production southerly of the west limit of Bay street; thence northerly along that production to the place of beginning.

BLOCK D.

Fourthly, commencing on the south limit of Lake street where it is intersected by the production southerly of the west limit of Bay street; thence southerly along that production of the said New Windmill Line; thence south-westerly along the said New Windmill Line to the intersection of the production southerly of the of the west limit of said lot 47; thence northerly along the said production to the south limit of Lake street; thence easterly along the south limit of Lake street to the place of beginning.

BLOCK E.

Fifthly, commencing on the south limit of Lake street where it is intersected by the production southerly to the east limit lot 48, registered plan 5 A; thence southerly along said production to the said New Windmill Line; thence westerly along the said New Windmill Line to the production southerly of the east limit of York street; thence northerly along that production to the south limit of Lake street; thence easterly along the south limit of Lake street to the place of beginning.

21. Except as herein otherwise provided, the provisions of *The Railway Act* and of *The Municipal Act*, so far as applicable to anything herein contained, shall form part of this agreement as if expressly set out herein.

22. Nothing herein contained and no action taken hereunder shall affect in any way the position or contention of any of the parties hereto as to the question whether or not any streets running southward from Front street, other than those referred to in this agreement, do or do not terminate at the north side of Esplanade street, the Canadian Pacific and Grand Trunk contending that they do so terminate, and the City not admitting the said contention.

23. This proposed agreement shall not be binding on either party unless and until ratified by the City Council of Toronto and the Boards of Directors of the respective Railway Companies, and the parties hereto agree to unite in procuring legislation necessary to validate and confirm this agreement, if and when so ratified, and to empower each of the parties to do whatever may be requisite to give effect to the substance and intention thereof, and if this agreement be not executed and in force on or before the day of next then all parties shall be restored to their original rights as if no agreement on the subjects herein dealt with had been discussed between the parties.

SCHEDULE "A."

Memorandum of agreement made between the Canadian Pacific Railway Company of the first part, Edmund B. Osler, of Toronto, Esquire, and Wilmot D. Matthews, of Toronto, Esquire, of the second part, and the Argonaut Boat House Company, limited, of the third part.

Whereas the said Canadian Pacific Railway Company have entered into a certain agreement with the City of Toronto and others for the lease or sale to the said Railway Company of certain water lots at the foot of York street, in the said City of Toronto, of one of which said lots the said Boat House Company are lessees, viz: lots Nos. 24 and 25, plan D118.

And whereas the said Boat House Company and others have taken certain proceedings to restrain the carrying out of said agreement.

And whereas the said Boat House Company have agreed to withdraw from said proceedings.

Now, therefore, this agreement witnesseth that in consideration of the said Boat House Company withdrawing as aforesaid, and in consideration of said agreement and of the assignment by the said Railway Company of the lease of the present premises of said Boat House Company at foot of York street as aforesaid, the said Railway Company agrees to accept said assignment and to move and reinstate the said Boat House Company as to its present new club house upon the proposed New Windmill Line, to build a wharf extending from the present Windmill Line to the new one, on a lot immediately to the south of the present premises of said Boat House Company, or on a corresponding lot on the east side of the extension southerly of York street, at the Railway Company's option, said new premises to be in all respects as convenient as the present.

The

The said Railway Company further agree to give said Boat House Company a lease of said new lot at $6 ground rent per foot per annum and taxes for twenty-one years, containing an absolute renewal clause at a valuation to be ascertained by arbitration at end of each succeeding term of twenty-one years, said new lot to have a frontage of fifty feet.

The said Railway Company further agrees that the said Boat House Company have open water to the width of sixty-six feet on one side of said new premises.

And the said parties of the second part for themselves and each of them for himself, his heirs, executors, administrators and assigns covenant with the said Boat House Company that the said Agreement will be carried out as above set forth.

The above renewal clause shall be subject to the Railway Company's obtaining an absolute renewal clause from the City of Toronto of the lots west of York street, fronting on Esplanade street, or obtaining the fee.

In Witness whereof the parties hereto have hereunto set their hands and seals this 15th day of May, 1888.

This Agreement is subject to the proposed Agreement between the City and the Railway being carried or any other agreement between them enabling the Railways to acquire the premises in question.

For the Ontario and Quebec Ry. Co.

(Signed) E. B. OSLER, *President.*

Witness, (Signed) E. B. OSLER,

A. LANGMUIR. (Signed) W. D. MATTHEWS.

For the Argonaut Boat House Co.,

(Signed) HENRY O'BRIEN.

(Signed) THOMAS MCCRACKEN.

SCHEDULE B.

This Agreement, made the third day of December, 1888 between

The Canadian Pacific Railway Company, hereinafter called "the company," of the first part, and

William Henry Clindinning, of the city of Toronto, boat builder, who and whose heirs, executors, administrators and assigns are hereinafter called "the owner," of the second part, and

Edward Boyd Osler, of the city of Toronto, stock and share broker, a director of the said company, who, including his heirs, executors and administrators, is hereinafter called "the director," of the third part.

Whereas

Whereas by a draft agreement bearing date the 26th day of April, A.D, 1888, and made between the Corporation of the city of Toronto of the first part, the Grand Trunk Railway Company of the second part, and the said the Canadian Pacific Railway Company of the third part, it was proposed among other things that certain parts of Esplanade, York and Simcoe streets in the said City of Toronto should be closed and conveyed by the said City of Toronto to the Grand Trunk Railway Company, and the City further agreed that they would sell the said the Company certain lots lying to the south of the said Esplanade street and between York street and Simcoe street.

And whereas, the said owner is the assignee from the lessee of the City of Toronto of certain parts of said lots more particularly described in the owner's lease from Cynthia Fuller *et al*, registered as H2189.

And whereas, the said owner has alleged that the said agreement would, if carried out, have interfered with his access to and rights and interests in the said leasehold premises, and with others affected by the said agreement brought an action in the Chancery Division of the High Court of Justice for Ontario, by a writ of summons issued on the 2nd of May, 1888, against the Corporation of the said City of Toronto and Edward F. Clarke, Mayor thereof, and in the said action obtained an injunction restraining the said City from entering into or carrying out the said agreement until the trial of the same, which has not yet taken place, and the said City has appealed from the said interim injunction, which said appeal is now pending in the Court of Appeal for Ontario.

And whereas negotiations have been entered into between all the parties to the said agreement of the 26th day of April, A. D., 1888, and the plaintiffs to the said action, and, among other things, in consideration of the plaintiffs agreeing to dismiss the said action and dissolve the said injunction, the said the Company and the Director have agreed with the said Owner as hereinafter set forth.

Now therefore This Indenture Witnesseth that in consideration of the premises the parties hereto covenant and agree as follows :—

1. That the present access of the said owner from the esplanade to his present premises shall not be interfered with, except that the Company may proceed forthwith to lay down not more than three railway tracks upon the vacant space in front of the owner's present premises (south of the Esplanade) until the work of removal of said premises shall be commenced by the Company, as next hereafter mentioned.

2. The Company will at their own costs and charges remove and reinstate as much as practicable of the present boat house and buildings, including factory and machinery of the said

owner

owner to and on a new lot situate to the south of the present Windwill Line, and hereinafter more particularly described, and will do and construct thereon all the cribbing and piling necessary for the reinstatement, as far as practicable, of the said buildings, and also construct thereon the necessary wharves so as to make the said new premises fully as complete and satisfactory for the business and operations of the owner now carried on by him as his present premises.

Provided, always, that such removal shall not commence before 1st October in any one year, and shall be completed as near after the 30th day of April in the following year as possible, and that until such removal the full use and enjoyment of the said premises now occupied by the owner shall not in any wise be interrupted, interfered with, or disturbed by any works or changes which the Company may make to the south of the present Esplanade, except as to the three tracks, and that the said owner shall have at least one month's notice in writing of such intended removal prior to the first day of October in the year of such removal.

3. After such removal has been completed the Company shall grant to or procure for the said owner a lease of a water lot of 125 feet frontage to the south of his present lot, and no further to the west of York street than his present frontage, but not to be so far east as to be in front of any part of the ramp running westerly from the York street bridge. The said lot to front on the south limit of the street to be constructed in the terms of the Windmill Line agreement, set forth in the printed appeal book at pages 13 to 17 of the appendix in the said case of *Clindinning vs. Toronto*, the said lot to extend southerly to the New Windmill Line provided for in the said Windmill Line agreement, for a term of twenty-one years, to commence from the time of the final completion of the new premises, as removed, of the said owner herein before mentioned, at an annual rental of $6 per foot frontage on the said new street of the land so to be leased, and all taxes, which taxes, however, shall not include any taxes or payments in connection with the filling in of the lots or construction of the street proposed to be constructed under the said Windmill Line agreement; such lease not to be assignable without leave in writing, which leave shall not be unreasonably withheld, and shall contain a covenant for perpetual renewal for further successive terms of twenty-one years, at a rental to be ascertained by arbitration in the usual way; such lease to be settled by the Master in Ordinary of the Supreme Court in case the parties differ as to the same.

4. The said lease shall be executed and delivered to the said owner when he shall have assigned to the Company or the Director, or to whom they or either of them shall appoint, all his estate, right, title and interest in his present leasehold premises, free from all encumbrances.

5. In the event of its being found impracticable for the Company to reinstate the whole of said owner's present boat house and buildings as aforesaid, on the said new lot, the owner is to be fully compensated and paid damages and compensation for such loss, if any, as he may sustain thereby, and also for such loss, if any, as he may sustain during the progress of such removal to and reinstatement upon the said new lot, such compensation and damages to be determined by arbitration, under the provisions of the *Railway Act*, and in such arbitration the Company are to be at liberty to tender evidence to show that the rental of the said new premises should be greater than $6 per foot for the purpose of the owner's business, and that he is obtaining a covenant for renewal in his lease with a view to reduce the said compensation and damages, and the arbitrators are to determine upon the admissibility of such evidence.

6. The Company further agrees that upon and after the removal of the said owner's premises to the said new lot as aforesaid he shall have access thereto by way of a roadway good and sufficient for all the business and uses of the said premises of the said owner over his present premises until the said new street along the Windmill Line shall be constructed and opened for public traffic from York street to and along the whole of the front of his new premises, and shall be connected with the new bridge proposed to be constructed on York street, produced, or until such new street shall be connected with the extension of York street south of the Esplanade, and either the bridge or York street extended, duly opened and fit and safe for public traffic.

Provided, that if the said new premises shall be east of the present premises such roadway shall be extended to and along the whole front of the same, and access thereto given thereby as good and sufficient as aforesaid.

And the said Director for himself and the Company covenants with the said owner that the said agreement will be carried out as above set forth.

In witness whereof the parties hereto have hereunto set their hands and seals on the day and year first above written

EDMUND B. OSLER,
WM. H. CLINDINNING.

Signed, sealed and delivered by the said William Henry Clindinning, in the presence of

JOHN T. SMALL.

And by the said Edmund Boyd Osler, in the presence of

S. B. SYKES.

SCHEDULE

SCHEDULE "C."

Memorandum of Agreement made between the Canadian Pacific Railway Company, of the first part; and Edmund B. Osler, of the City of Toronto, Esquire, and Wilmot D. Matthews of the city of Toronto, Esquire, of the second part; and the Toronto Yacht Club, of the third part.

Whereas the said Canadian Pacific Railway Company propose to expropriate the premises occupied at present by the Toronto Yacht Club, and have made an application to the Honorable the Minister of Railways and Canals for leave to make the said expropriation.

Now, therefore, this agreement witnesseth that in consideration of the said Yacht Club consenting to the said application, and in consideration of the assignment by the said Yacht Club to the said Railway Company of the lease, free from all encumbrances, of the present premises of the said Yacht Club on water lots No. 5, 6 and 7, according to plan D118, registered in the Registry Office of the City of Toronto, the said Railway Company agrees to accept the said assignment and to remove and reinstate the said Yacht Club as to its present Club House and buildings and dock upon the proposed New Windmill Line or upon the proposed new street to run immediately to the south of the present Windmill Line, or at any point between the said new street and the proposed New Windmill Line, as may be selected by the said Yacht Club, such site to be immediately to the south of the present Yacht Club premises.

And the said Railway Company further agrees to give the said Yacht Club a lease of the new water lot to be occupied by them hereafter mentioned at the rate of ($4.00) four dollars ground rent per foot per annum, and taxes for a term of twenty-one years, containing an absolute renewal clause at a valuation to be ascertained by arbitration at the end of each succeeding term of twenty-one years, subject, however, to the proviso, as to the first term of twenty-one years above mentioned, and for the part thereof hereinafter referred to, that the said Railway Company agrees to accept as rental for the said new water lot in lieu of the rental hereinbefore referred to for such portion of their lease of their present premises as may be unexpired at the date of the lease of the said new water lot hereby agreed to be given to the said Yacht Club by the said Railway Company, the same rental as the said Yacht Club now pays for their present premises per annum, and that from and after the expiration of such lease and for the balance of the said first term of twenty-one years, hereinbefore referred to, the rental of said new water lot is to be at the said rate of ($4.00) four dollars ground rent per foot per annum and taxes, the said new lot to have a frontage of sixty feet or such greater frontage as the Yacht Club may desire, up to a maximum of eighty-five feet, with a depth extending from the proposed new street to the Windmill Line.

And

And the said Railway Company further agrees that the said Yacht Club shall have the exclusive use as against other yachts or other vessels of any description whatsoever of the anchorage in the open water inside the proposed new windmill line for a distance not to exceed three hundred feet to the east of the proposed new site, provided always that the said Railway Company do not require the said open water for the purposes of their railway or for the purposes of erecting buildings thereon.

And the said Railway Company further agree that the proposed building and dock on the new site shall be as convenient, substantial and commodious, and in as good repair as the present club building, dock and premises.

This agreement shall be subject to the Railway Company expropriating or otherwise acquiring the balance of the water lots between those owned by the Grand Trunk Railway Company on the west, and York street on the east, and the Railway company shall give to the said Yacht Club at least three months' previous notice of their intention to remove the Yacht Club buildings to their proposed new site before commencing the work of such removal, and the Railway Company is not to remove the said Yacht Club buildings to their proposed new site except between the 31st day of October in any one year and the 1st day of April in the following year.

And the said parties of the second part for themselves and each of them for his heirs, executors, administrators and assigns covenant with the said Yacht Club that the said agreement will be carried out as above set forth.

In witness whereof the parties hereto have hereunto set their hands and seals this day of 1888.

CHAPTER 91.

An Act respecting the Town of Toronto Junction.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the town of Toronto Junction by the petition of its council has represented that it is desirable and necessary for the protection of life and property to make provision for the construction and maintenance of a subway and approaches thereto in or upon Keele street north in said town where said street is crossed by the tracks of the Canadian Pacific and Grand Trunk Railway Companies; and whereas

on

on application of said corporation to the railway committee of the Queen's Privy Council for Canada at Ottawa, an order was made under the Dominion Railway Act directing the construction of said subway; and whereas by-law number 254 of said council set forth as schedule "A" hereto provides for the carrying out of said work according to the agreement in said by-law referred to and made between the corporation and said railway companies, and authorizes the issue of debentures to the amount of $8,000 to cover the corporation's share of the cost of said works; and whereas a proposed by-law to raise the said sum of $8,000 for the purposes aforesaid bearing date the 9th day of February, 1892, was submitted to the ratepayers under the provisions of *The Municipal Act* and was defeated by a majority of nine, the total vote both for and against the by-law being very small; and whereas the said corporation have prayed that an Act may be passed authorizing the said council to submit said by-law number 254 to the ratepayers and subject to the same being approved by the ratepayers ratifying the said by-law and agreement and sanctioning and confirming the action of the corporation in and about the construction of said subway and also granting to the said corporation certain other special powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Council authorized to submit by-law.

1. Notwithstanding the defeat of the said proposed by-law as aforesaid the said corporation shall have the right to submit the said by-law number 254 to the ratepayers for approval, and subject to said approval by the ratepayers the same shall be and is hereby declared legal and valid.

Certain provisions of Rev. Stat. c. 184 to apply.

2. Upon and subject to the ratification of the said by-law number 254 by the ratepayers under the provisions of *The Municipal Act*, the provisions of sections 385 to 404 inclusive of *The Municipal Act* and of sections 483, 484, 485, 486 and 488 of the said Act shall apply to the works mentioned in said by-law and agreement, and the lands required therefor or injuriously affected thereby and the provisions of section 487 of the said Act as amended by sections 21 and 22 of *The Municipal Amendment Act, 1889*, shall also apply to the works mentioned in said by-law and agreement and to all other works of said corporation as if said town were a city having a population of 100,000 or over.

Power to borrow on security of covenants by R.W. Co.'s.

3. Subject to the ratification of the said By-law number 254 by the ratepayers in manner aforesaid the said corporation may borrow from any person or body corporate upon the security of the covenants on the part

of

of said railway companies contained in said agreement, schedule "B," a sum or sums of money not exceeding in the whole the amount for which said companies are responsible under said agreement, as a temporary loan or loans for meeting the cost of the works under said by-law number 254, pending the collection of the proportion of such cost payable by said railway companies.

By-law No. 264 amended.

4. By-law number 264 of the said corporation which is printed as schedule "C" hereto is hereby amended and varied by striking out the fourth enacting clause thereof and by substituting the word "forty" for "twenty," and the figures "$2,273.56" for "$3,311.58" wherever the same respectively occur in the said by-law, and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the said corporation, and the clerk of the said corporation is required to register such by-law as so amended and varied in the proper registry office within four weeks after the passing of this Act but the omission to register the same shall not affect the validity of the said by-law or the debentures issued or to be issued thereunder.

Informalities not to invalidate debentures.

5. Subject to ratification of the said by-law number 254 as aforesaid no irregularity in the form of the said debentures authorized to be issued under this Act or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

Assessment of certain lands annexed to town by proclamation.

6. Whereas by proclamation of the Honourable the Lieutenant Governor of the Province of Ontario in Council, bearing date the 30th day of December, 1890, certain lands were attached to the town of Toronto Junction including lands belonging to Robert McGregor, Frank Baby and Henry Wilberforce Aikins, M.D., which were attached upon certain conditions set forth in said proclamation; and whereas Mrs. Abigail Hay was at the time of said proclamation and still is the owner of a certain parcel of land included in the lands so attached and which should have been made subject to similar conditions;

Therefore it is further enacted that the hereinafter described lands owned at the date of the said proclamation and still owned by Mrs. Abigail Hay, that is to say, the easterly half of lot number one, according to plan registered in the registry office for the county of York as number 416, and also the southerly half of the westerly half of said lot number one, or so

much thereof as shall be used for farm purposes shall be assessed only at a value not exceeding $300 per acre which in the judgment of the assessors such land shall fairly and reasonably be worth for farm purposes as long as the same shall remain not sub-divided into lots.

SCHEDULE "A."

No. 254.

A by-law to provide for the construction of a subway on Keele street, north, and other works in connection therewith, in accordance with an agreement between the Canadian Pacific and Grand Trunk Railway Companies, and for borrowing upon the credit of the corporation the sum of $8,000.

Passed 25th January, 1892.

Whereas by agreement made between the corporation of the town of Toronto Junction and the Canadian Pacific and Grand Trunk Railway Companies, and sanctioned by the railway committee of the Privy Council, it is provided that the corporation shall construct a subway under the companies' tracks on Keele street north, in the said town, and divert and open Keele street and do other work in connection therewith; and whereas it is in the interest of the town that the said subway should be constructed and the said agreement carried out, and that a debt of $8,000 be created by the issue of debentures to that amount to pay for said works and the expenditure connected therewith; and whereas it is desirable that the principal of said debt should be payable by annual instalments for a term of years with interest thereon annually at the rate of five per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the term; and whereas the total amount required to be raised annually by special rate sufficient therefor on all the ratable property of the municipality for paying the said debt and interest will be the sum of $641.94 each year for twenty years; and whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll being for the year 1891 is the sum of $5,531,368; and whereas the whole debenture debt of the municipality amounts to $651,575.20, on which no principal or interest is in arrear.

Be

Be it therefore enacted by the municipal council of the corporation of the town of Toronto Junction as follows:—

1. That the agreement made by the corporation with the Canadian Pacific and Grand Trunk Railway Companies, a copy whereof is hereto attached, is hereby approved and ratified and that the same be carried out as provided in the report of the Railway Committee of the Honourable, the Privy Council approved by His Excellency the Governor-General in Council, on the 29th day of May, 1891, and the moneys necessary for that purpose and for other works connected therewith or arising thereout, be provided by the issue of debentures as hereinafter mentioned.

2. That the mayor is hereby authorized and required to issue debentures of the corporation to the amount of $8,000 which shall be marked and known as "Keele street, north, Subway Debentures," and shall be in sums of not less than $100 each and shall be sealed with the corporate seal of the the said corporation and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to take effect at the town treasurer's office, Toronto Junction, with interest at the rate of five per centum per annum as follows, that is to say:— The said principal sum in twenty annual instalments and the interest at the rate aforesaid annually during said term, the aggregate amount of such annual instalments of principal and annual payments of interest shall be the sum of $641.94 in each year.

3. For the purpose of paying the said sum of $8,000 and to cover interest on the said amount as aforesaid, the sum of $641.94 shall be levied by a special rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect during which the said debentures have to run.

4. Be it further enacted that application be made to the Legislative Assembly of the Province of Ontario at the next session thereof, to pass an Act authorizing the issue of said debentures to the said amount of $8,000 and sanctioning and confirming this by-law, and the action of the corporation in and about the construction of the said intended subway and the doing of other work in connection therewith.

5. This by-law shall come into force and take effect on the 25th day of April, 1892, if previously sanctioned and confirmed by special act as aforesaid.

(Signed) ROBT. J. LEIGH,
Town Clerk.

WM. PEARS,
Mayor.

SCHEDULE

SCHEDULE "B."

(*Section 3.*)

Memorandum of agreement between the town of Toronto Junction, the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company with regard to Keele street north, or Keele street, St. Clair avenue and Weston road in the town of Toronto Junction.

The parties agree as follows:—

1. A subway shall be made at north Keele street as shown on the plan and specification.

2. The cost is estimated at $23,000, of which the Grand Trunk Railway Company agrees to pay $7,666.66, the Canadian Pacific Railway Company the same amount and the town of Toronto Junction to pay the balance whatever it may be.

This includes girders and everything else. The work to be done under the supervision of such engineers as the two railway companies may name.

The engineer of the town of Toronto Junction to have the conduct of the work but it is to be done to the satisfaction of the companies' engineer named above.

The plans and specifications to be approved of or agreed upon before the work is commenced.

The roadway, including abutments, to be maintained by the town; the bridge or superstructure above the masonry to be maintained by each company on their own line.

The girders under the Canadian Pacific Railway to be through girders, those under the Grand Trunk Railway to be deck girders.

In the event of any disputes between the parties the engineer appointed by the railway committee of the Privy Council to decide.

If the subway costs less than $23,000 the railways to have a proportionate rebate.

In consideration of the town of Toronto Junction constructing the said subway subject to the approval of the railway companies' engineer as aforesaid, the said companies will indemnify and save harmless the said town of Toronto Junction from any damage by reason of accidents to passengers or employees of said companies and from any damage to the companies' property during the construction of the said subway occasioned by any act or neglect of the railway companies' employees or servants or the servants of either.

(Signed) C. C. GOING.
JOHN BELL.
R. M. WELLS.

Ottawa, 8th May, 1891.

SCHEDULE

SCHEDULE "C."

(Section 4.)

NUMBER 264.

A by-law to provide for the completion of the works under by-law number 110 and for borrowing upon the credit of the corporation the sum of $45,000 therefor.

Passed March 14th, 1892.

Whereas under by-laws number 110 and 224 debentures have been issued for a total sum amounting to $225,000 for the carrying out of the works under by-law 110;

And whereas said sum has proved insufficient to complete the works as well as to pay land damages and purchase certain lands injuriously affected by said works, and the corporation has not as yet succeeded in selling the said lands so acquired as aforesaid, and it is necessary to borrow an additional sum not exceeding $45,000 for the completion of the said works and it is in the interest of the town that the said works should be completed and that a debt of $45,000 be created by the issue of debentures to that amount, to pay for said completion;

And whereas it is desirable that the principal of said debt should be repayable by annual instalments for a term of years, with interest thereon annually at the rate of four per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the term;

And whereas the total amount required to be raised annually by special rate sufficient therefor, on all the ratable property of the municipality for paying the said debt and interest will be the sum of $3,311.18 each for twenty years;

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll being for the year 1891, is the sum of $5,531,368;

And whereas the whole debenture debt of the municipality amounts to $659,575.20 on which no principal or interest is in arrear,

Be it therefore enacted by the municipal council of the corporation of the town of Toronto Junction as follows:—

1. That the mayor is hereby authorized and required to issue debentures of the said corporation to the amount of $45,000 which shall be marked and known as "Subway Debentures"

tures," third issue, and shall be in sums of not less than $100 each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to take effect, at the town treasurer's office, Toronto Junction, with interest at the rate of four per centum per annum as follows, that is to say :—the said principal sum in twenty annual instalments and the interest at the rate aforesaid annually during said term, the aggregate amount of such annual instalments of principal and annual payments of interest shall be the sum of $3,311.58 in each year.

2. For the purpose of paying the said sum of $45,000, and to cover interest on the said amount as aforesaid, the sum of $3,311.58 shall be levied by a special rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect during which the said debentures have to run.

3. This by-law shall take effect on the 14th day of March, A.D., 1892, if previously assented to by the electors.

4. And whereas *The Municipal Act* provides that in the case of a by-law for contracting debts by borrowing money, the whole of the debt and the obligations to be issued therefor, shall be made payable in twenty years at furthest from the date on which such by-law takes effect, and it is desirable that the payment of the debt intended to be contracted by this by-law should be in forty annual instalments of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; be it therefore enacted that application be made to the Legislative Assembly of the Province of Ontario at the next session thereof to pass an Act authorizing the issue of such debentures to the said amount of $45,000 bearing interest at the rate of four per cent. per annum, payable in forty annual instalments from the date of this by-law taking effect, instead of in twenty annual instalments as above provided, and that in such case authorizing the levy of the sum of $2,273.56 in each year for forty years by a special rate sufficient therefor on all the ratable property in the said municipality.

5. This by-law shall be submitted for the assent of the electors of the said town under the provisions of *The Municipal Act*, and on Monday, the 7th day of March, A.D. 1892, at the hour of nine o'clock in the forenoon, the poll will be opened to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on said day.

6.

6. The places for taking the votes, and the deputy-returning officers of the several wards of said town respectively, shall be as follows :—

For Ward No. 1.—Thos. Coupland's house, corner Pelham and Laughton Avenue, Wm. McCutcheon deputy-returning officer.

For Ward No. 2.—J. A. Bull's shop, Weston road, A. J. Heyden, deputy-returning officer.

For Ward No. 3.—Pearson's store, corner Annette street and Weston avenue, L. J. Law, deputy-returning officer.

For Ward No. 4.—Town hall, Keele street, Wm. Wylie, deputy-returning officer.

For Ward No. 5.—Causey's store, Dundas street, George Edgar, deputy-returning officer.

7. That on Friday, the fourth day of March, A.D. 1892, at the hour of ten o'clock in the forenoon, at the clerk's office, in the said town, the mayor shall appoint in writing the persons to attend at the polling places and at the final summing up of the votes on behalf of the persons interested in, and promoting or opposing respectively the passage of this by-law.

8. That the clerk of the said municipality shall attend at the council chamber, town hall buildings, Keele street, in the said town, at six o'clock in the afternoon on the 7th day of March, A.D. 1892, to sum up the number of votes given for and against this by-law.

Council Chamber, 9th day of February A.D. 1892.

First published in the *Tribune* newspaper on the 12th day of February, A.D. 1892.

ROBT. J. LEIGH,
Clerk.

SEAL.

WM. PEARS,
Mayor.

TAKE NOTICE.

That the above is a true copy of a proposed by-law which has been taken into consideration and which will be finally passed by the municipal council of the corporation of the town of Toronto Junction, in the event of the assent of the electors being obtained thereto, after one month from the first publication in the *Tribune* newspaper, the date of said publication being the 12th day of February, and the polls will be held on the 7th day of March, 1892, commencing at nine o'clock in the forenoon and closing at five o'clock in the afternoon and at the places fixed in said by-law for taking the votes of the electors.

(Signed) ROBT. J. LEIGH,
Clerk.

CHAPTER

CHAPTER 92.

An Act to incorporate the City of Windsor.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the corporation of the town of Windsor have by their petition represented that the said town now contains over ten thousand inhabitants, and that the population is rapidly increasing, and by reason of such increase, and its extensive railway interests and facilities, and its mercantile and shipping trade, is now, and will continue to be an important centre of population and commerce; and whereas the said corporation has prayed that the said town may be erected into a city to be called the "City of Windsor;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the The Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of Windsor as a city.

1. On and after the passing of this Act, the said town of Windsor shall be, and is hereby incorporated as a city, and shall be known thereafter as "The corporation of the city of Windsor" and as such shall enjoy and possess all the rights, powers and privileges of cities under *The Municipal Act.*

Rev. Stat. c. 184.

Wards.

2. The city of Windsor shall be divided as the town of Windsor has heretofore been divided into six wards, to be named respectively Ward No. 1, Ward No. 2, Ward No. 3, Ward No 4, Ward No. 5 and Ward No 6, and the boundaries or limits of the said wards respectively shall be and remain as they existed prior to the passing of this Act.

Council.

3. The council of the said city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward thereof: Provided, nevertheless, that the present mayor and council of the said town shall be and continue to be the mayor and council of the said city, and shall hold office until the election of their successors as provided by this Act, and shall exercise all the rights and powers and perform all the duties, pertaining to the offices of mayor and aldermen respectively of a city, and in the event of death, resignation or disqualification of said mayor or any member of said council, a new election shall be held to fill the vacancy under the provisions of *The Municipal Act.*

Present mayor and council to continue in office.

Rev. Stat. c. 184.

Assets and obligations.

4. The property, assets and effects of the said town of Windsor shall belong to the city of Windsor, all obligations due to the said town, shall be obligations due to the said city,

all

all the debts, liabilities and obligations of the said town shall be assumed and paid by the corporation of the said city, and the officers and servants of the said town, shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city.

Municipal laws as to new corporations to apply.

5. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Municipal Act* aforesaid, shall, except so far as herein otherwise provided, apply to the said corporation of the city of Windsor in the same manner as if the said town had been erected into a city under the provisions of *The Municipal Act*.

Rev. Stat. c. 184.

Qualification as first and subsequent elections.

6. At any election in the said city, held prior to the first day of February next after the passing of this Act, the qualifications of the electors shall be the same as required in towns.

First election.

7. Stephen Lusted of the said town of Windsor, esquire, who is now the clerk thereof, or in case of his death or inability to act, such other person as the council of the said city may by by-law, to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination meeting for the first election of mayor, and it shall be the duty of the returning officer to hold such nomination meeting at the city hall in the city of Windsor, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

Returning officer to act as clerk.

8. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead.

Deputy-returning officers.

9. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December to appoint a deputy-returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy-returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name the places in each of the several wards at which the nominations of aldermen and election of mayor and aldermen shall be held in case a poll be required.

Nominations.

10. The nominations for aldermen shall be held on the last Monday in the month of December at noon, and if a poll be required the same shall be opened on the same

day

day of the following week, and the nominations and the election of mayor and aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

Assessment roll and voters' list.

11. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any future election, either to the municipal council or to the Legislative Assembly in the said city until another assessment shall be made and the roll thereof shall be finally revised and the voters' list thereunder shall be duly made and completed.

CHAPTER 93.

An Act to further amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company.

[*Assented to 14th April, 1892.*

Preamble

WHEREAS the Brockville, Westport and Sault Ste. Marie Railway Company, have by their petition prayed that an Act may be passed to further amend the Act passed in the 47th year of Her Majesty's reign, chaptered 63, incorporating the said company, by extending the time for the completion of the line of said railway from the town of Brockville to the town of Sault Ste Marie; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for completion of railway.

1. The time for completing the said railway from the town of Brockville to the town of Sault Ste Marie is hereby extended until the expiration of eight years from the passing of this Act.

Railway declared an existing corporation.

2. The said Brockville, Westport and Sault Ste. Marie Railway Company is hereby declared to have been, at the time of the passing of this Act, a continuing and existing corporation.

CHAPTER

CHAPTER 94.

An Act to incorporate The Carp, Almonte and Lanark Railway Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the construction of a railway from a point at or near the village of Carp in the township of Huntley in the county of Carleton through the said township of Huntley, the town of Almonte and the village of Lanark in the county of Lanark, thence through the counties of Frontenac, Addington and a part of the county of Hastings to the village of Bridgewater, in the said county of Hastings, is desirable; and whereas the persons hereinafter named have by their petition prayed that they may be incorporated for the purpose of constructing and operating such railway, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Bennett Rosamond, M.P., and Thomas Raines, of the town of Almonte; David McIllroy, George H. Grooves and Edward N. Kidd, of the township of Huntley; James Donald, of the township of Dalhousie; William Lees, of the township of Bathurst; William C. Caldwell, M.P.P., and Thomas B. Caldwell, of Lanark village, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Carp, Almonte and Lanark Railway Company."

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a railway from a point at or near the village of Carp in the township of Huntley in the county of Carleton through the said township of Huntley the town of Almonte and the village of Lanark in the county of Lanark, thence through the counties of Frontenac, Addington and a part of the county of Hastings to the village of Bridgewater in the said county of Hastings.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. Bennett Rosamond, M.P., and Thomas Raines, of the town of Almonte; David McIllroy, George H. Grooves and Edward N. Kidd, of the township of Huntley; James Donald,

of

of the township of Dalhousie; William Lees, of the township of Bathurst; William E. Caldwell, M.P.P., and Thomas B. Caldwell, of Lanark village, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors, the said directors, or a majority of them or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said town of Almonte or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 170.

Form of conveyance of land.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in Schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions not binding till approved.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 170.

9. The capital stock of the company hereby incorporated shall be $1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into ten thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors.

10. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said town of Almonte, in the said county of Lanark, of the time, place and purpose of said meeting.

11.

Number of directors and quorum.

11. At such general meeting, the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*.

Rev. Stat. c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls.

13. The directors may, from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Almonte, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said town of Almonte, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 184.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid.

Rev. Stat. c. 184.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-law, what to contain.

19. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality, defined in said by-law (as the case may be) an

annual

annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

Provision for referring to arbitration disputes as to by-laws

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county, as the arbitrators may order.

"Minor municipality," meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law approved council to pass same.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

25.

Levying rate on a portion of a municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Acts as to by-laws.

26. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus, from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Exemption from taxation.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control, which may be required for the right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario*, shall not apply to this section.

Rev. Stat., c. 170.

Acquiring gravel, etc., for construction and maintenance of railway.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat., c. 170.

Sidings to gravel pits.

34.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may inter-

vene

vene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right of way may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Rev. Stat., c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

35. The said company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences. Proviso.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trusts of debentures.

Trustees of proceeds of debentures.

37. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Carp, Almonte, and Lanark Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

39. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.

Negotiable instruments.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill made accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with property authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary

be

be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Proviso.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Pledging bonds.

42. It shall be lawful for the directors of the company to enter into an agreement with any company or companies if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon. Agreements with other railway companies.

43. The company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, and the Canada Atlantic Railway Company, or either of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. Agreements for amalgamation with other companies.

44. The said company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company, or either of them, if lawfully empowered to enter into such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway companies or either of them if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, Running arrangements with certain railways.

motives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Telegraph and telephone lines.

45. The said company may also construct an electric telegraph line and telephone line in connection with their railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Rights of aliens.

46, Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company.

Transfer of shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof, dispensed with by the company.

Power to hold additional property.

48. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to collect back charges on goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may

come

come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commencement and completion of work.

50. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

Rev. Stat. c. 170 incorporated.

51. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

SCHEDULE "A."

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Carp, Almonte and Lanark Railway company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purpose of their railway to hold with the appurtenances unto the said The Carp, Almonte and Lanark Railway Company their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A. D., 18

Signed, sealed and delivered in presence of } (L. S.)

SCHEDULE

SCHEDULE "B"

(*Section 37*)

THE CARP, ALMONTE AND LANARK RAILWAY COMPANY'S OFFICE

Chief Engineer's Certificate.

Engineer's Department.

No. A. D. 18

Certificate to be attached to cheques drawn on The Carp, Almonte and Lanark Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.* chief engineer of The Carp, Almonte and Lanark Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER 95.

An Act to incorporate The Hamilton, Grimsby and Beamsville Electric Railway Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS Charles J. Myles, James V. Teetzel, Q.C., Adam Rutherford, A. E. Carpenter, Thomas H. Pratt and R. S. Martin, all of the city of Hamilton, in the county of Wentworth, and others, have, by their petition, prayed for an Act of incorporation under the name of "The Hamilton, Grimsby and Beamsville Electric Railway Company" for the purpose of constructing and operating an electric railway from some point in the city of Hamilton through the village of Grimsby to some point in the village of Beamsville; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Charles J. Myles, James V. Teetzel, Q. C. Adam Rutherford, A. E. Carpenter, Thomas H. Pratt and R. S. Martin, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton, Grimsby and Beamsville Electric Railway Company."

Certain provisions of Rev. Stat., c. 170, incorporated.

2. The clauses of *The Railway Act of Ontario* and amendments thereto relating to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity," and "fines and penalties, and their prosecution," are incorporated with and shall form part of this Act, and shall apply to the said company and the railway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, or are hereinafter especially excepted; and the expression "this Act," when used herein, shall include the clauses of the said *Railway Act of Ontario*, so incorporated with this Act, provided always that the clauses relating to "lands and their valuation" shall not apply within the city of Hamilton; provided that subsections 6 and 7 of the clauses relating to "powers," being section 9 of the said *Railway Act*, shall not apply to this Act; provided also that clause 30 of the said *Railway Act* being the clause relating to "fences" shall not apply to any part of the said railway which runs along or upon any highway.

Proviso.

Location of line.

3. The said company and their servants and agents, are hereby authorized and empowered to construct, and maintain and to operate by any motive power except steam power a double or single iron or steel railway, with one or more branch or branches and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the city of Hamilton, through the said city and the townships of Barton, Saltfleet and North Grimsby to a point in or near the village of Beamsville, in the township of Clinton, with power to build any part or branch of the said railway in sections. The said railway may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said cor-

Occupation of highways.

porations

porations respectively and the said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force or power of electricity, or such other motive power except steam power as they may be authorized by the councils of the several municipalities by by-law to use; and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

Gauge.

4. The said railway may be of any gauge.

Provisional directors.

5. Charles J. Myles, James V. Teetzel, Q.C., Adam Rutherford, A. E. Carpenter, Thomas H. Pratt and R. S. Martin with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have full power forthwith to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers; to cause plans and surveys to be executed; to enter into agreements for right of way, station grounds, and terminal grounds, and to receive for the company any grant, loan, bonus, or gift made to, or in aid of, the undertaking, and to enter into agreements respecting the condition or disposition of any gift or bonus in aid of the undertaking, with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors, as hereinafter provided. The said directors, or a majority of them, or the board of directors to be elected, as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and all meetings of the provisional board of directors shall be held in the city of Hamilton in the county of Wentworth, or at such other place as may best suit the interest of the said company.

Rev. Stat., c. 170.

First election of directors.

7. When and as soon as shares to the amount of $50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them shall call a general meeting of the shareholders for the purpose of elect-

ing

ing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or or more newspapers published in the city of Hamilton in the said county of Wentworth, of the time, place and purpose of the said meeting.

Number of directors and quorum.

8. At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid up ten per centum on their shares, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*; and the said board of directors may employ and pay one of their number as managing director.

Qualification of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

General meetings.

10. The head office of the said company shall be at the said city of Hamilton and the general annual meetings, of the shareholders of the said company shall be held in the said city of Hamilton and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of Hamilton, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

11. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Certain payments may be made in stock or bonds.

12. The provisional directors, or the elected directors, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the service of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

13.

Capital stock.

13. The capital stock of the company shall be $200,000 with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 2,000 shares of $100 each, and shall be raised by the persons and corporations who shall become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipping and working of the said railway and the purposes of this Act.

Transfer of shares.

14. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock, or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Rights of aliens.

15. Aliens, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Calls.

16. The directors for the time being may from time to time make calls as they shall think fit, provided no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder; and thirty day's notice shall be given of each call as provided by section 10 of this Act.

Fares.

17. Subject to the terms of any agreement with a municipal corporation, the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents.

Rates for fruit and milk.

18. The company may make special rates for the carriage of fruit and milk.

Agreement with Methodist Camp Ground Co.

19. The company may make and enter into an agreement with the Ontario Methodist Camp Ground Company for aid in the construction of their line of railway or the branches thereof from the said Camp Ground Company by way of loan or bonus or subscription of stock or otherwise, and the said company may grant the said Camp Ground Company special rates for passengers and goods to and from the grounds of the said Camp Ground Company in exchange for such aid.

Agreement with Winona Park Co.

20. The said company may make and enter into an agreement with the Winona Park Company (Limited) for aid in the

construction

construction of their line of railway or any branch or branches thereof from the said Winona Park Company (Limited) by way of loan or bonus or subscription of stock or otherwise, and the said company may grant the said Winona Park Company (Limited) special rates for passengers and goods to and from the grounds of the said Winona Park Company (Limited) in exchange for such aid.

Grants of land to company.

21. Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to exempt company from taxation.

22. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company, and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Use of highways by company.

23. Any municipality through which the said railway passes and having jurisdiction in the premises may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Aid from municipalities.

24. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or

near

near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose. and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

25. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

26. Such by-law shall in each instance provide:—

By-laws, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of such debentures, or the application of the amount to be raised thereby, as may be expressed by the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special

rate,

rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Expenses of by-law.

27. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law approved by ratepayers.

28. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

29. Within one month after the passing of such by-law the said council and the reeve, or other officers thereof, shall issue the debentures necessary to raise the sum mentioned in such by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rate on portion of municipality.

30. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Council may extend time for commencement of work.

31. The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated by the by-law, or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Proviso.

Council may extend time for completion

32. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, and they shall have full power to extend the time for the completion of the works (on the completion of which the said company will be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Proviso.

Provisions for referring disputes as to bonus by-laws to arbitration.

33. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and

upon

upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

"Minor municipality," meaning of.

34. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Application of Rev. Stat. c. 184 as to by-laws.

35. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Acquiring land for stations, gravel pits, etc.

36. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring gravel, etc., for construction and repair of railway.

37. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the

provisions

provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining the materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Rev. Stat. c. 170.

Sidings to gravel pits, etc.

38—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised, and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 170.

Trustees of debentures.

39. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift, to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee, or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out

of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

40. The said, trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realised from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Hamilton, Grimsby and Beamsville Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in the schedule "A" hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penaltv of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

41. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to collect back charges on goods.

42. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all rights and remedies of such persons for such charges.

Telegraph and telephone lines.

43. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through the said city of Hamilton without the consent of the corporation of the said city of Hamilton being first obtained by the said company; provided also that the telephone line shall be used exclusively for the purposes of the business of the said company.

44.

Agreements with other companies for leasing or hiring rolling stock.

44. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies—if lawfully authorized to enter into such agreements—person or persons, for leasing, hiring or use of any electric motors, carriages, or cars from such companies or persons for such time or times, and on such terms as may be agreed on; and also to enter into agreements with any railway company, or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the electric motors, carriages, or cars of the other, or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreement with electric light company.

45. The said company shall have power to enter into an agreement or agreements with the Hamilton Electric Light Company (limited), or any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company.

Traffic arrangements with other companies.

46. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate an electric railway or railways in or near the city of Hamilton, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies, or any of them, if lawfully authorized to enter into any such agreement, for the sale, or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line subject to the provisions of any by-law or by-laws of the city of Hamilton which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, and provided that no such agreement for connections, running arrangements, sale, leasing or hiring of the said

railway,

railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the said city of Hamilton has first been obtained thereto but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Issue of bonds.

47. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $10,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Negotiable instruments.

48. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging bonds for advances.

49. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Form of conveyances.

50. Conveyances of land to the said company for the purposes of and power given by this Act, made in the form set forth in schedule "B" to this Act, or to the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and suffici-

ent

ent bar of dower respectively of all persons executing the same and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Commencement and completion of line.

51. The railway shall be commenced within two years and completed to the extent of a through connection with the village of Grimsby aforesaid within three years and finally completed within five years after the passing of this Act.

SCHEDULE A.

(*Section 40.*)

Chief Engineer's Certificate.

The Hamilton, Grimsby and Beamsville Electric Railway Company's Office.

No. Engineer's Department, A.D. 189

Certificate to be attached to cheques drawn on The Hamilton, Grimsby and Beamsville Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.* Chief Engineer of The Hamilton, Grimsby and Beamsville Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of , (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of . (*Here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE

SCHEDULE B.

(*Section 50.*)

KNOW all men by these presents, that I, (*or* we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me, (*or* us), by The Hamilton, Grimsby and Beamsville Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Hamilton, Grimsby and Beamsville Electric Railway Company, their successors and assigns forever, (*here insert any other clauses or conditions and covenants required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , A.D. 189 .

Signed, sealed and delivered in the presence of } [L.S.]

CHAPTER 96.

An Act to incorporate the Niagara Falls Park and River Railway Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the Commissioners of the Queen Victoria Niagara Falls Park, acting on their own behalf as well as on behalf and with the approval of the Government of the Province of Ontario did, on the fourth day of December, 1891, enter into an agreement (fully set out in the schedule B. hereto) with Edmund Boyd Osler, Herbert Carlyle Hammond, William Hendrie, and Richard Bladworth Angus, in the said agreement described as the company, whereby it was agreed

that

that in consideration of certain matters therein contained the said company would build an Electric Railway so as to furnish better access to the public property of Ontario at the Falls of Niagara, known as the Queen Victoria Niagara Falls Park proper; and whereas by the said agreement it was provided that the railway to be worked by electricity should pass through the said Park according to plans and specifications, to be approved of by the Commissioners, and by the Commissioner of Public Works of the Province of Ontario, and that the right of way through the Park proper should be provided by the commissioners, and that the right of way from Queenston to the Park proper should be provided by the commissioners on the terms in the said agreement specified; and whereas it is desirable that the aforesaid parties in the said agreement described as "the company" be duly incorporated and be empowered by means of an Act of incorporation of the Legislature of Ontario to raise capital to carry out the terms of the said agreement and exercise such other powers as are hereby conferred;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between Park Commissioners and corporation confirmed.

1. The agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the said Edmund Boyd Osler, Herbert Carlyle Hammond, William Hendrie and Richard Bladworth Angus, dated the fourth day of December, 1891, and as set forth in schedule "B." hereto, and in this Act hereinafter designated as "the agreement," is hereby approved, ratified, confirmed and declared to be valid and binding on the parties thereto; and each of the parties thereto is hereby authorized and empowered to do whatever is necessary to give effect to the substance and intention of the provisions of the agreement, and is hereby declared to have and have had power to do all acts necessary to give effect to the same.

Incorporation.

2. The said Edmund Boyd Osler, Herbert Carlyle Hammond, William Hendrie, and Richard Bladworth Angus, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and in the name of "The Niagara Falls Park and River Railway Company."

Personal liability of corporators.

3. Subject to paragraph (*f*) in the first part of the agreement relating to the personal liabilities and engagements of the individual parties to the agreement, and subject also to the other provisions of the said agreement the company by this Act incorporated shall have power to acquire upon such terms as may be agreed upon, all rights and powers granted by the agreement by the Park Commissioners, and

also

also the benefit of any work that has been done, and any moneys that have been expended in connection with the said electric railway or works prior to the organization of the said company, and the personal liability to the Park Commissioners or others thereunder shall not cease or determine until the works and equipment in paragraph (*f*) in the first part of the agreement shall have been constructed and ready for operation as in said paragraph provided.

Powers of company.

4. The company shall have power and authority—

Location of line.

(1) To construct and operate an electric railway from the waters of the Niagara river along the top of the west bank of the Niagara river from some point in the village of Queenston, in the county of Lincoln, to the village of Chippawa, to be known as the High Level Railway from Queenston to the southern end of the Queen Victoria Niagara Falls Park, such Electric Railway to be laid out, constructed and operated in accordance with the terms provided by the agreement.

Extension.

(2) To construct and operate extensions of the said electric railway from Chippawa to Fort Erie, and from Queenston to the town of Niagara as may be determined.

Hotels.

(3) To acquire, own, erect and manage one or more hotels at or near the Niagara Falls and elsewhere near the line of Railway, but the powers of expropriation in *The Railway Act of Ontario* shall not apply to this sub-section.

Rev. Stat. c. 170.

Wharves, etc.

(4) To erect wharves, piers, docks, stations, power houses workshops and offices, and to purchase lands for any of the company's such purposes and to sell and convey such portions of any of such lands as may be found superfluous for any such purpose.

Steamers and vessels.

(5) To construct, purchase, charter and navigate steamers and vessels for the purpose of traffic in connection with said railway, and to establish connections between their wharves, piers and docks and their said railway at such point or points as such connections may be required. The powers of expropriation in *The Railway Act of Ontario* shall not be exercised by the company in respect of the water frontage in Queenston at present owned by the Niagara Navigation Company to the extent of 325 feet in a southerly direction from the north limit of the wharf of the said company as at present constructed.

Stock in steamboat company.

(6) To take and hold stock in any navigation or steamboat company.

In elevator companies.

(7) To take stock in any company or companies formed or to be formed for the construction of elevators, lifts or other works along the Niagara river.

(8)

(8) The company shall also have the power to acquire the whole or any part of the stock of any street car company heretofore or hereafter incorporated according to the laws of this Province and which touches or connects with the line or lines of railway hereby authorized, or any of them. The company shall also have power to run its cars on the lines of any street car company, having first obtained permission from such company so to do. In street car companies.

(9). Subject to the recommendation of the Park Commissioners approved by the Lieutenant-Governor in Council, the company shall have the power by expropriation or otherwise to acquire the right to convey electricity required for the working of the railway and lighting the same, over, through or under lands other than the right of way of the Railways by this Act authorized to be built, as well as the right of way, and to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and the rights and liabilities of the company in respect thereof shall be the same as is provided by *The Railway Act of Ontario*, in respect of other lands required for the use of the railway, and also when the right to convey such electricity has been conceded to the company by the parties having a right to make such concession and along and upon any of the public roads and highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of same or to endanger the same, or injuriously to interrupt the navigation of such waters, and electricity so conveyed shall not be used for any other purpose than to work and light the said railway. The rights hereby conferred upon the company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park without the consent of the Commissioners thereof on the approval of the Lieutenant-Governor in Council. Conduits.

5. The clauses and provisions of *The Railway Act of Ontario* and the amendments thereto, except subsection 18 of section 9 and, save as barred, varied or excepted by this Act including the Act passed in the 53rd year of Her Majesty's reign, and chaptered 45, shall form part of this Act, and the following provisions of the said Railway Act as amended shall be excluded in respect of the Park Proper as in the agreement defined, nor be exercisable in relation thereto by the company by this Act incorporated, viz :—" Powers " except in so far as the exercise of sub-section 10 and the borrowing powers of the company are of the powers to be exercised over the whole undertaking, " plans and surveys," " lands and Certain provisions of Rev. Stat. c. 170 to apply.

their

their valuation," "mines," "highways and bridges," "fences" except subject to section 6 of this Act, "proceedings where additional space required," "traffic arrangements."

Powers of Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council may from time to time, as may be deemed expedient, amend, change and alter as regards the company any or all of the provisions of section 30 of *The Railway Act of Ontario* or the sub-sections thereof, and make such amendments, changes or alterations applicable to the whole or any part or parts of the said railway of the said company.

A copy of any such orders in council shall be filed with the clerk of every municipality through which the said railway, or any part thereof, shall be operated.

Motive power.

7. The Railways shall be operated by electric power only but between Queenston and the Whirlpool, the Lieutenant-Governor in Council may permit electric power to be dispensed with temporarily for the use of steam power to be generated by anthracite coal.

Capital stock.

8. The capital stock of the said company shall be the sum of $1,000,000, to be divided into shares of $100 each, and the money thereby raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for the procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and to the other purposes of this Act.

Provisional directors.

9. The persons named in the first section of this Act shall be and are hereby constituted a board of provisional directors of the said company, three of whom shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under the *The Railway Act of Ontario* may lawfully do.

Rev. Stat. c. 170.

First annual meeting.

10. When and as soon as shares to the amount of $300,000 of the capital stock of the company shall have been subscribed, and 25 per centum shall have been paid into a chartered bank of the Dominion, having an office in the Province of Ontario,

the

the provisional directors, or a majority of those present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and in one newspaper published in the town of Niagara Falls, of the time, place and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; and the sum so paid shall not be withdrawn from the bank except for the purposes of this Act.

Annual meetings.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in the city of Toronto or elsewhere, as the directors may deem most convenient, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the said town and in each of the counties from which a bonus may have been received.

Quorum of directors and appointment of paid director.

12. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors: provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Power of directors to exclude persons from subscribing for stock.

13. The provisional or elected directors of the company may in their discretion exclude anyone from subscribing for stock in the said company, or may before allotment cancel the subscription and return the deposit of any person, if they are of the opinion that such person would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, or that such person's membership is for other reasons undesirable, and if, at any time, more than the whole stock shall have been subscribed the said board of directors shall allocate or apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Allotment of stock.

14. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the

purchase

purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call made in accordance with the provisions contained in section 35 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Rev. Stat. c. 170.

Power to make certain payments in stock.

15. The said directors may pay, or agree to pay, in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Exemption from taxation.

16. It shall be lawful for the corporation of any municipality, through any part of which the railways of the said company pass, or are situate, by by-laws specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Power to become parties to promissory notes, etc.

17. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued

without

without the sanction and authority, either general or special, of the board of directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of bonds

18. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, the whole amount of the issue of such bonds not to exceed in all the sum of $45,000 for each mile of the said railway and the actual cash value of the wharves, piers, docks, steamers, vessels and other water craft, incline railways, elevators and hotels of the company and the equipment thereof respectively, but such bonds shall be limited as a charge so as not to interfere with the terms of section 26 of the agreement; and the amount of compensation under section 26 for the railway, its equipment, machinery and works between Queenston and Chippawa shall not include the value of hotels, vessels, steamboats, nor the value of any other equipment or works than such as may be incidental to the use of electric power, nor any excess of the value of the class of work prescribed by the plans and specifications which shall have been approved by the Commissioner of Public Works, nor stocks in navigating companies, or in companies building or operating elevators or incline railways, nor the cost or value of elevators or inclined railways, except the elevators or inclined railways expressly authorized to be built or acquired under the agreement, nor of any other works not expressly and specifically provided for by the said agreement set forth in the schedule hereto.

Power to mortgage bonds.

19. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for construction of the said railway or otherwise, subject to the provisions in the preceding section contained.

Rights of aliens.

20. All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said company and to vote on the same and to be eligible to office in the said company.

Plans to be subject to approval of Commissioner of Public Works.

21. Before proceeding with the construction of the said railways, plans and maps shewing the location thereof, with profile, cross sections and specifications, and determining and including the width of right of way where not already expressly provided and specified in the agreement shall be submitted to and approved by the Commissioner of Public Works; and the said

company

company shall also submit in detail, to the Commissioner of Public Works, plans and drawings of the carriages or coaches proposed to be used for passenger traffic, for his approval, and the same shall be approved of by him before the said carriages or coaches shall be used upon the said railways, and before proceeding with any changes or expansions in the plans and specifications affecting the system of the renewal of the construction of the said railways and the building of the said carriages or coaches such changes, expansions or renewals shall be subject from time to time to the inspection, direction and approval of the Commissioner of Public Works on such terms as he may require of the company, and copies of all such railways, plans, with cross-sections and specifications shall be deposited in the Department of Public Works for Ontario.

Erection of telephone and telegraph wires and electric works.

22. For the purpose of operating and lighting the said railway, the company shall have power to erect poles or make conduits for wires, and to construct and maintain telegraph or telephone lines along the lines of railway, and connect the same with their offices, stations and other works, and for any of such purposes shall have all the powers conferred upon telegraph companies by chapter 158 of the Revised Statutes of Ontario, 1887, and may take tolls or fees for the use of the telegraph or telephone lines by the public.

Transfer of stock.

23. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Regulations as to transfer of shares.

24. The directors may from time to time, make such regulations as they shall think fit, for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends, as they shall find expedient, and all such regulations, not being inconsistent with the provisions of this Act, and of *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Rev. Stat. c. 170.

Form of conveyances.

25. Conveyances of land, to the said company, for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the

registry

registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Power to purchase whole lots in certain cases.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case, by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section, nor shall the same apply to the Park Proper. Rev. Stat. c. 170.

Commencement and completion of railway.

27. The construction of that portion of the said railway lying between Queenston and Chippawa, and on the high level, shall be completed in accordance with section 15 of the agreement, unless extended by the Lieutenant-Governor in Council, and shall be duly operated during the existence of the said agreement and subject to the terms thereof, and the construction of the said railway, between Niagara and Queenston and between Chippawa and Fort Erie, shall be commenced within five years, and be completed within seven years, after the passing of this Act.

Construction of low level railway.

28. In respect of the low level railway mentioned in section 20 of the agreement, and the terms and conditions on which the same may be built and operated as in the agreement is provided, the Lieutenant-Governor in Council, in the event of the company in the agreement mentioned, or the company hereby incorporated if it shall have duly acquired the rights of the company in the agreement mentioned in pursuance of the powers contained in section 3 of this Act, having duly exercised the option given to build and proceed forthwith with the building and operating the low level railway as in the agreement provided, may extend to the company in the agreement mentioned or to the company hereby incorporated the powers in this Act contained in respect of such matters and powers as are by this Act conferred to build and operate the high level railway subject to the power of revocation by the Lieutenant-Governor in Council of such right to build and operate the said low level railway in the event of the said low level railway not being built and fully equipped for operation in accordance with the agreement and within the period by the agreement required to build the same and have the same ready for operation and duly operating the same during the existence of the said

agreement

agreement and subject to the terms thereof; and in the event of the company in the agreement mentioned or the company hereby incorporated, if it shall have duly acquired the rights of the company in the agreement mentioned in respect of the said low level railway declining to build the low level railway as by the said agreement provided, the Lieutenant-Governor in Council may grant to any person or persons individually or grant to any person or persons a charter of incorporation by Letters Patent under the Great Seal. All such powers which by this Act may be conferred upon the company in the agreement mentioned or on the company hereby incorporated, to build and operate the low level railway as in the agreement mentioned in respect of such matters, subject to the due operation of the said low level railway during the existence of the said agreement and subject to the terms thereof, and such further powers as are by this Act conferred upon the company by this Act incorporated, to build and operate the high level railway, together with such rights and powers to raise capital for such purposes as to the Lieutenant-Governor in Council may seem to be expedient and necessary, and such charter of incorporation by Letters Patent under the Great Seal shall, and is hereby declared to be as valid and effectual as an Act of the Legislature of Ontario; provided always that such Letters Patent shall be laid before the Legislature at the first session ensuing the granting thereof.

SCHEDULE "A."

(*Section 25*).

Know all men by these presents, that I (*or* we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me (*or* us), by the Niagara Falls Park and River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels), (*as the case may be*), of land situated (*describe the lands*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said the Niagara Falls Park and River Railway Company, their

successors

successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (*or* we) the wife (*or* wives), of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals), this day of one thousand, eight hundred and

Signed, sealed and delivered in presence of } [L. S.]

SCHEDULE "B."

(Section 1.)

This agreement, made this fourth day of December, one thousand eight hundred and ninety-one, between the commissioners for the Queen Victoria Niagara Falls Park, acting herein on their own behalf as well as on behalf and with the approval of the Government of the Province of Ontario, and hereinafter called "the commissioners" of the first part, and Edmund Boyd Osler and Herbert Carlyle Hammond, both of the city of Toronto, in the Province of Ontario, brokers, William Hendrie, of the city of Hamilton in the said Province, contractor, and Richard Bladworth Angus, of the city of Montreal, in the Province of Quebec, gentleman, hereinafter called "the company" of the second part ;

Whereas the company desires to construct and operate an electric railway along the top of the west bank of the Niagara river from the village of Queenston, in the county of Lincoln, to the village of Chippawa, in the county of Welland, and to extend the same as they may deem advisable to the town of Niagara, in the said county of Lincoln, and to the village of Fort Erie, in the said county of Welland, and to establish steamboat connections at the places named, or some of them, and the said railway between Queenston and Chippawa is hereinafter referred to as "the high level railway ;"

And whereas it is the intention of the company to apply to the Legislature of Ontario at its next session for a charter of incorporation to enable them and such others as may be associated with them in the undertaking to construct and operate the said railway and other works hereinafter referred to, and to execute effectively the engagements entered into herein on their part ;

And whereas the company desire to secure the rights of way to construct their said railway through and in the Queen Victoria Niagara Falls park, which is the property of the commissioners, and through and over other lands of the commissioners, and also through and over lands held or contracted for by the commissioners under contracts with and licenses from the owners thereof respectively, and the commissioners have agreed to provide such rights of way upon the terms and conditions and for the considerations hereinafter expressed and contained or intended so to be;

And whereas the company desire to secure the option of constructing and operating the "low level railway" as hereinafter defined and also certain privileges in the park and along the Niagara river and its western bank which option and privileges the commissioners have agreed to give to the company for the time and upon the terms and conditions and for the considerations hereinafter expressed;

And whereas for convenience and to prevent ambiguity it is agreed and understood by and between the said parties hereto and is hereby declared as follows, that is to say:—

(*a*) The expression "park proper" wherever it occurs herein shall be understood to mean the Queen Victoria Niagara Falls park south of its original boundary in front of the Clifton house and running easterly to the Niagara river.

(*b*) The expression "low level railway" wherever it occurs herein shall be understood to mean a line of railway under the cliff which forms the west bank of the Niagara river, and as near to the edge of the waters of the river as circumstances will permit and extending as the commissioners may determine from within that part of the park proper below the bank to the north limit of the lands of the commissioners being the south limit of the military reserve at Queenston or between such intermediate points as the commissioners may determine.

(*c*) The expression "the company" wherever it occurs herein shall be understood to mean not only the individuals above named as parties hereto of the second part, but also their and each of their heirs, executors, administrators and assigns and the company to be incorporated as hereinbefore mentioned and its successors and assigns.

(*d*) The expression "the commissioners" wherever it occurs herein shall be understood to mean not only the parties hereto of the first part but also their successors and assigns and those who for the time being may be the commissioners of the Queen Victoria Niagara Falls park.

(*e*) In the event of the company failing to secure at the next session of the Legislature of Ontario such charter as will enable them to carry out effectively the building of "the high level railway" and to acquire the other rights and pro-

perties

perties in fulfilment of the objects hereinbefore recited, they will under the authority of the commissioners in so far as the said authority may have effect under the powers vested in the commissioners or otherwise if such powers be sufficient for the purpose and with the resources of the company and as an unincorporated partnership or otherwise build, equip and operate the said high level railway as hereinafter provided and such other works as may be required of the parties of the second part to be by them done or acquired under the terms of this agreement.

(*f*) The company to be incorporated as aforesaid shall assume all the liabilities and engagements which are assumed and entered into herein by the parties hereto of the second part and their personal liability to the commissioners shall cease and determine when such liabilities and engagements have been assumed by such company and in the event of the said parties being unable to secure incorporation such personal liabilities and engagements shall cease when the said high level railway shall have been constructed from Queenston to Chippawa and shall be fully equipped and ready for operation and after that event the said liabilities and engagements including the payment of rent after the first year's payment shall be enforced against the said railway and its appurtenances, including all works to be acquired or built by the company as by this agreement is provided, or against the said incorporated company as the case may be, and not against the parties hereto of the second part, their heirs, executors, administrators or assigns or any of them, except in so far as they may have incurred liability as members of such incorporated company, but they shall nevertheless be personally liable for the cash payment and the first year's rent and for the building and equipping of the said high level railway.

Now therefore this agreement witnesseth as follows, that is to say :—

1. The commissioners do hereby license and permit the company to construct a first class electric railway with single or double tracks as may hereafter be agreed upon between them and the company in and through the park proper from its northern to its southern boundary and on and over the other lands of the commissioners from the northern boundary of the park proper to a point in or near the village of Queenston, and so far as the license of occupation recently obtained by the chairman of the commissioners from the militia department extends, and the commissioners will provide the right of way therefor of the required widths the railway herein referred to being part of the high level railway and the same shall be in accordance with the provisos, conditions and agreements hereinafter contained.

2. The company shall construct, equip and operate the said railway and shall extend the same to Chippawa creek with sufficient sidings and equipments to meet the development of traffic. It shall not, however, be compulsory upon the company to operate the railway between the first day of December and the first day March in each year except between the Grand Trunk railway station at the town of Niagara Falls and the upper islands within the park proper.

3. The said railway is to be four feet eight and a half inches gauge and is to be laid with steel rails of not less than forty-five pounds to the lineal yard, fastened with fish plates, the formation ballast, bridges and all other structures to be of such material and to be built between Chippawa and Queenston according to plans and specifications to be approved of by the commissioners and by the Commissioner of Public Works of the Province of Ontario.

4. The location of the said railway in the park proper and on that portion of the commissioners' property known as "the chain reserve" extending from the north boundary of the park proper to the north boundary of the town of Niagara Falls shall be as the commissioners may decide.

5. No sidings are to be laid down in the park proper without the assent of the commissioners, but any sidings which they may determine to be required in the public interest shall be constructed by the company, the right of way for the same being provided by the commissioners of a width not exceeding twelve feet.

6. The right of way through the park proper shall be twelve feet for a single track where the railway is built on the surface. In cuttings and embankments the width is not to exceed twelve feet at grade.

7. The railway is to be constructed upon the chain reserve along and on top of the bank of the river north of the park proper so far as it can be conveniently used to reach Queenston, but deviations may be made to avoid large expenditure.

8. For the right of way over the chain reserve north of the park proper in so far as regards the extent of the present and any future interest of the commissioners therein and the benefit of the contracts already entered into between the commissioners and various land owners for purchase of right of way and for the deviations above mentioned including the lands by such contracts acquired or thereby intended so to be, the company shall pay to the commissioners the sum of ten thousand dollars, which payment is to be made in cash by the company to the commissioners when they have decided upon the location of the said high level railway and have given their assent to the commencement of the work of construction,

and

and the commissioners shall have no further claim against the company for land damages, or for lands injuriously affected by the construction or operation of the railway (unless the same shall not be constructed in accordance with the plans and specifications provided for by paragraph 3 of this agreement) or in respect of any claims for working the said railways or works. Any territory required for deviations or otherwise in addition to the above shall be provided and paid for by the company who in acquiring such other territory and until they receive the requisite rights, powers and franchises by Act of the Legislature of Ontario, may exercise all the rights, powers and franchises possessed by, and if necessary, in the name of the commissioners.

9. At terminal points, namely Queenston and Chippawa, the company shall construct sufficient landing places in the form of wharves to receive steamers. Such structures shall be built on plans to be approved of by the commissioners. At Chippawa terminus the company shall provide sufficient ground for terminal buildings with all necessary accommodation, and also sufficient ground for like terminal and necessary accommodation at Queenston if the land embraced in the license of the militia department be inadequate for the purpose.

10. The company shall not erect any buildings or sheds within the limits of the park proper without special permission from the commissioners, and shall not carry on any work thereon that will in any way disfigure it, of which works, whether disfiguring or not, the commissioners are to be the sole judges. The company are to have the full use of all plans and surveys in possession of the commissioners or made at their instance, but such plans and surveys are not to be taken as the decision of the commissioners in respect of any works herein agreed to be done or which may hereafter be proposed to be done.

11. The company shall have the right to construct and operate inclined railways and elevators at such points north of the Niagara Falls ferry as may be approved of by the commissioners, and the company may use such portions of the chain reserve and thence down to the water as may be required for such construction and operation. The company shall also have the right to acquire and operate such inclined railways and lifts which have already been constructed north of the ferry together with the machinery and works connected therewith upon payment in cash to the proprietors or occupiers thereof respectively of the amount that may be fixed by arbitration or by private arrangement or otherwise for obtaining possession from the present occupiers thereof, including costs incurred by the commissioners. The company may exercise and the commissioners do hereby empower the company to exercise such

rights

rights and powers as the commissioners possess in respect of the acquisition of such works, and if necessary, the company may do so in the name of the commissioners.

12. The company shall and they do hereby undertake that they will with due diligence and within a reasonable time, and without any delay that is avoidable, and not later than six months from the date hereof, take steps to acquire the rights and properties in the next preceding paragraph mentioned, including the rights now claimed by occupancy or otherwise, and will pay the compensation money therefor so soon as the same has been ascertained, and the costs of the commissioners aforesaid, and on the acquisition thereof, the company shall hold the same under the commissioners free from any claim against the commissioners by or in right of said proprietors or occupiers, which holdings under or attornments to the commissioners shall not make the company liable to pay any rents other than they have herein agreed to pay. If the company shall not have acquired the said rights and properties within two years from the date hereof, the commissioners may acquire the same, and may use them to all intents and purposes as if this agreement had never been entered into, and free from any claim by the company to enjoy the same, or any benefits or rights connected therewith.

13. The commissioners shall not grant or confer upon any other company or person any right to construct and operate any railway or tramway within the limits of the park, or any right to construct and operate lifts or inclined railways north of the Niagara Falls ferry and on any part of the chain reserve, or on the slope between the chain reserve and the river, except as is hereinafter provided in connection with the low level railway, and so long as this agreement is in force the commissioners will not themselves engage in any such construction or operation.

14. The commissioners will assent to an arrangement being made between the company and the municipal corporation of the town of Niagara Falls for the supply to the company of power for working the railway and the machinery necessary to operate and light the railway, and if an arrangement satisfactory to the company cannot be made between the company and the said municipal corporation, the commissioners will grant to the company such necessary rights as will enable them to procure from the waters above the falls the power required for the above purposes.

15. The company do hereby undertake to build the said high level railway between Chippawa creek and Queenston in every respect fit for traffic not later than the first day of September next, and in the event of the company not being able to procure the right of way between the park proper and

Chippawa

Chippawa in time to enable them to finish the whole work within that time, the commissioners will give a reasonable extension of time for finishing that section of the work.

16. The company may commence the construction of the said railway whenever the location has been decided upon by the commissioners, and the plans and specifications approved in accordance with paragraph 3 of this agreement, and the right to operate the same shall begin on the first day of September next, or so soon (before or after that date) as the said railway or any section thereof has been constructed and is ready for operation, and shall extend to a period of forty years from the said first day of September, one thousand eight hundred and ninety-two, and shall be renewable on the request by the company for a further period of twenty years as hereinafter provided.

17. If at the end of the said period of forty years the commissioners shall demand from the company for the further period of twenty years the payment of a greater clear annual sum than the sum hereby and hereinafter agreed to be paid for the said period of forty years, then if the parties hereto cannot agree as to the same, the amount to be paid for such further period, not less than the rents previously paid, shall be ascertained by three arbitrators or a majority of them, one of whom shall be named and appointed by the commissioners, another by the company (the parties hereto of the second part) and the third by the Chief Justice or senior presiding Judge of the provincial court of ultimate appellate jurisdiction for Ontario, and the award of such arbitrators shall be subject to the same provision of law as if the said arbitrators had been appointed by the said parties upon a voluntary reference under the Revised Statute of Ontario respecting Arbitrations and References. Either party to such arbitration may appeal from the award upon any question of law or fact to the said provincial court of ultimate appellate jurisdiction for Ontario and the said court shall have the same jurisdiction therein as a Judge has on an appeal from a report or certificate under section 4 of the aforesaid Revised Statute respecting Arbitrations and References.

18. If the company desire to renew for such further period of twenty years, notice of such desire to renew shall be given by the company to the commissioners in writing at least twelve months before the expiration of the forty year period.

19. In addition to all other payments to be made by the company to the commissioners as hereinbefore stated, for right of way and for the privileges hereinbefore mentioned, the company shall pay to the commissioners a clear annual sum of ten thousand dollars by way of rental for each and every year until the termination of the said period or term of forty years

and

and if the company exercise the option of operating the said railway for the second period they will pay to the commissioners, by way of rental, the sum which may be mutually agreed upon as such rental, or which may be fixed by arbitration as aforesaid. All payments to be made to the commissioners quarterly, and to be calculated from the first day of September, one thousand eight hundred and ninety-two, whether the railway be completed or not. The rent shall be paid although the company may not by virtue of this agreement be able to exercise the rights and powers to construct and operate the said railway, it being understood that the commissioners do not guarantee the rights, interests and franchises hereby conveyed to the company, and do not covenant for the quiet enjoyment thereof, except as against the acts of the commissioners and their successors, and anyone claiming by, through or under them.

20. The commissioners reserve the right upon six months notice being given in writing by them to the company, to authorize the company to build and operate the said low level railway, and if at any time within the six months after such notice shall have been given the company declare by notice in writing to the commissioners that they are about to proceed with the work, the company shall build the said low level railway and have the same ready for operation within twelve months after notice hereinbefore mentioned shall have been given by the commissioners to the company. The commissioners shall provide the right of way for such railway, subject to the like terms which the parties hereto have agreed upon in respect of the extent of the interest of the commissioners over the chain reserve for the high level railway. If the notice be to build the railway to any point short of Queenston the company shall nevertheless have the right to extend the same at low level to Queenston, and as far as the lands of the commissioners extend, that is to say, to the south boundary of the military reserve at Queenston, and the company shall have the right to build on such land and to make such connections between the said low level railway and the said high level railway as may be required in the public interest.

21. In the event of the notice to construct such low level railway being given by the commissioners to the company at any date previous to first September, one thousand eight hundred and ninety-seven, the company shall for the privilege of building such railway and for the right of way from the park proper to the south boundary of the said military reserve at Queenston, and for the aforesaid connections pay to the commissioners a further annual rental of seven thousand five hundred dollars in quarterly payments during the whole period of occupation under the terms of this agreement by the company, such rental to begin at the end of twelve months from the time of the giving of the said notice by the commissioners.

22.

22. In the event of the commissioners not giving notice in writing on any date previous to first September, one thousand eight hundred and ninety-seven, that they require the construction of the said low level railway to be proceeded with, and of the company declaring by notice in writing as aforesaid that they are about to proceed with the work, the amount of the annual rent in respect of such low level railway to be paid by the company to the commissioners shall be determined by arbitration in the manner provided by section 17.

23. In the event of the company declining to build the low level railway, upon either notice hereinbefore provided, the commissioners may grant the power to any other company or persons to build and operate such low level railway. The omission by the company of the giving of the notice in writing, declaring their liability to proceed with the work above provided for shall be deemed conclusive of the refusal by the company of the option to build the said low level railway.

24. In the event of the company exercising the option to construct and operate the said low level railway, the mode of construction and form of road-bed thereof, the class of carriages to be used for the same and all regulations relating to the safety and the use of the railway and its equipments shall be such as the commissioners shall require and approve.

25. The term of years for operating the low level railway shall terminate at the termination of the time hereinbefore provided for operating the said high level railway and shall be subject to renewal, expiration, determination or arbitration in respect of valuation of charge thereon for rent, compensation and liens in favor of bondholders or the company as the case may be in the same manner as is hereinbefore and hereinafter provided in respect of the high level railway, and in the event of the company not constructing the low level railway in pursuance of any notice to be given to the company or option hereinbefore conferred upon the company then the commissioners may confer upon any other company or persons who shall construct and operate the said low level railway as hereinbefore provided, the right to construct elevators at such points as the commissioners may select for the purpose of passenger traffic to and from the low level railway to the top of the cliff, and under such regulations as the commissioners may prescribe, due compensation to be made to the company parties hereto as may be agreed upon in respect of the arrangements and facilities required to transfer such passenger traffic to and from the low level railway to the top of the cliff, and in case of difference, to be ascertained by arbitration as hereinbefore provided by paragraph 17 of this agreement.

26. If at the end of the said period of forty years, the company are unwilling to renew, or at the end of the further period of twenty years, if the company continue to hold for such further period, the company shall be duly compensated by the commissioners for their railways, equipment, machinery and other works including the low level railway, if the same shall have been constructed and then held by the company under this agreement, as also the high level railway from Chippawa to Queenston, and including also their works in Chippawa and Queenston, but not in respect of any franchises for holding or operating the same, such compensation to be fixed by mutual agreement, or in case of difference, by arbitration as in paragraph 17 of this agreement, but the failure before the expiration of any such term, to fix such compensation in manner aforesaid, or to pay before such expiration, the amount of compensation so fixed, shall not entitle the company to retain possession meanwhile of the said railways, equipment, machinery and works, by this agreement to be constructed or operated, but the same shall nevertheless and notwithstanding that the commissioners may have taken possession thereof remain subject to such liens and charges save as to possession as aforesaid, as may exist in favor of bondholders or debenture holders of the company, and the company shall retain a lien or charge thereon, save as to possession as aforesaid for the compensation of their railway, equipment, machinery and works to be agreed upon as aforesaid, or so to be awarded to them provided, however, that all such liens and charges shall not exceed the amount that may be agreed upon or may be awarded for such compensation as aforesaid.

27. In respect of all rights and authorities which the commissioners by the agreement, have conferred or have agreed to confer upon the company to exercise in and about the execution of the works to be constructed, and operating or working the same, and of all other matters herein agreed upon, the company will indemnify the commissioners in respect of the exercise of said rights by the company, and will hold them free from liability to any person or persons whomsoever.

28. The rights conferred by this agreement upon the company, and the liabilities undertaken by the company, shall not be construed to be conditional upon the company procuring the Act of incorporation herein provided for.

29. Subject always to the terms and provisions of this agreement, and to the rights of the commissioners as the owners in fee simple of the right of way in the park proper and on the chain reserve, the said railways and their equipment and the other works constructed or required under this agreement, shall upon such construction or acquisition, as the case may be,

be

be vested in and shall be the property of the company who shall, subject as aforesaid, be entitled to operate, manage and control the same during the period or periods respectively above mentioned, it being however hereby declared, understood and agreed, that at the end of the said first or second periods, as the case may be, the whole of the company's said high level railway from Queenston to Chippawa, and the said low level railway, if then held by the company under this agreement, together with their equipment and the machinery and works aforesaid, including the elevators or lifts acquired or built and including also the works in Queenston and Chippawa shall become the property of the commissioners, subject to the payment of compensation to be agreed upon or awarded as the case may be, and as is hereinbefore provided for.

30. The parties hereto shall use their best endeavours to procure, and either party hereto may apply to the Legislature of Ontario at its next session, for an Act of incorporation, enabling the parties hereto, of the second part and those who may be associated with them in the undertaking to carry on the said railways and works as an incorporated company with sufficient powers to enable them to raise such capital by bond, debenture, stock, mortgage or otherwise, and as may be deemed sufficient to carry out the foregoing contract, and to enable them to construct and operate effectively, the said railways and steamboats and other works as is hereinbefore provided for, and either party hereto may at the next session of the said Legislature or otherwise apply to the said Legislature for an Act to ratify and confirm this agreement.

31. The rents hereby agreed to be paid are hereby declared to be a first and preferential charge upon the said railways and works and the company shall not create any lien, charge or incumbrance upon the said railways or works or any of them by bond, debenture, mortgage or otherwise which will interfere with or prevent the commissioners from procuring payment of the rent hereby reserved or any part thereof and no simple contract creditor or other creditor of the company is to have any claim against the said railway or works or any part thereof in priority to the claim of the commissioners for rent.

32. The company's tariff for passenger fares shall be a reasonable one and shall be subject to the approval of the commissioners provided however that the commisioners shall not have the right to insist upon such a tariff as will prevent the company operating the said railway or railways at a fair profit but it shall be their privilege to exact from the company the imposition of reasonable rates only.

In

In witness whereof the corporate seal of the commissioners has been hereunto affixed by their chairman who has also signed the same, and the parties hereto of the second part have hereunto set their hands and seals the day and year aforesaid.

Signed, sealed and delivered by the chairman of the commissioners in the presence of C. S. GZOWSKI, Jr.,	C. S. GZOWSKI, [SEAL]. Chairman.
and by the said Edmund Boyd Osler, Herbert Carlyle Hammond and William Hendrie in the presence of R. A. SMITH,	E. B. OSLER, per H. C. HAMMOND, [SEAL]. Attorney.
	[SEAL]. H. C. HAMMOND,
and by the said Richard Bladworth Angus in the presence of A. R. G. HEWARD, Montreal.	[SEAL]. WM. HENDRIE,
	[SEAL]. R. B. ANGUS,
and by the said Edmund Boyd Osler personally as well as through his attorney Herbert C. Hammond in presence of R. A. SMITH.	[SEAL]. ED'D B. OSLER.

CHAPTER 97.

An Act to incorporate the Ontario Ship Railway Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the great North American lakes with their outlets to the sea furnish the best and safest inland water communication on the globe, and many efforts have been made at much expense to overcome the obstructions to heavy shipping thereon; and whereas one of the most desirable projects to relieve the congested condition of the carrying trade has been some safe, cheap and expeditious means of transferring heavy freighted vessels and their cargoes from the upper

lakes

lakes direct to lake Ontario without breaking bulk, and without the necessity of passing over the long circuitous and dangerous route by way of lakes St. Clair and Erie and through the Welland canal; and whereas many schemes at different times have been brought forward and discussed, having that object in view; and whereas the Act passed in the 38th year of Her Majesty's reign, chaptered 50, was obtained with a view to the construction of such works as would effect the purposes above referred to; and whereas the volume of trade since the said Act was passed has greatly increased, and it has become necessary largely to amplify the contemplated works in order to meet the present and ever increasing demands of such trade; and whereas David Blain, esquire, H. H. Cook, lumberman, John C. Fitch, esquire, Hugh Blain, merchant, Joseph Blakeley, accountant, all of the city of Toronto, in the county of York, E. L. Corthell, of the city of Chicago, in the state of Illinois, engineer, Mark H. Irish, of the said city of Toronto, broker, Kivas Tully, of the said city of Toronto, engineer, and William Bell, of the town of Sault Ste. Marie, in the district of Algoma, engineer, have petitioned to be incorporated as a company for the purpose of constructing a railway from the said city of Toronto or from some point on lake Ontario, within twenty miles of the said City of Toronto, to some point on the Georgian Bay or lake Simcoe, or to both the Georgian Bay and Lake Simcoe, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said David Blain, H. H. Cook, John C. Fitch, Hugh Blain, Joseph Blakeley, E. L. Corthell, Mark H. Irish, Kivas Tully and William Bell, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Ontario Ship Railway Company."

Certain provisions of 38 V. c. 50 continued.

2. The said Act passed in the 38th year of Her Majesty's reign, chaptered 50, is hereby continued and perpetuated, save and except sections numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 44, 47, and 52, and the powers, privileges, franchises, capacities and rights in said Act contained, save and except the powers conferred by said sections, are hereby vested in the company constituted by this Act, and shall be exercised by this company in the same manner as any other powers conferred upon it, except in so far as the same are inconsistent with this Act or varied hereby.

Location of line.

3. The said company shall have full power under this Act to lay out, construct, equip, maintain and operate from the said city of Toronto or from some point on Lake Ontario, within twenty miles of the said city of Toronto, to some point on the Georgian Bay or Lake Simcoe, or to both Georgian Bay and lake Simcoe, one or more tracks of railway for the purposes of carrying passengers and freights, and conveying vessels barges and other water craft and their cargoes from the upper lakes to Lake Ontario.

Provisional directors.

4. David Blain, H. H. Cook, John C. Fitch, Hugh Blain Joseph Blakeley, E. L. Corthell, Mark H. Irish, Kivas Tully and William Bell, shall be provisional directors of the said company, and until the directors otherwise provide the said David Blain shall be managing director of said company.

Provisional directors.

5. The persons named in the fourth section of this Act shall be and are hereby constituted a board of provisional directors of the said company, four of whom shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under *The Railway Act of Ontario* may lawfully do.

Rev. Stat. c. 170.

First election of directors.

6. When and so soon as shares to the amount of $500,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company giving at least four weeks notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of Toronto in the said county of York, of the time, place and purpose of the said meeting, and at such general meeting the shareholders present either in person or by proxy who shall at the opening of such meeting have so paid ten per centum on the stock subscribed by them shall elect fifteen persons to be directors of the said company, which said directors shall constitute a Board of Directors. The directors so elected shall hold office until the next general annual

Number of directors and quorum.

meeting,

meeting, and five of the directors shall form a quorum of the Board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*, and the said Board of Directors may employ and pay one of their number as a managing director. Rev. Stat. c. 170.

7. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least fifty shares of stock in said company and unless he has paid up all calls thereon. Qualification of directors.

8. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the said city of Toronto or in such other place, and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said city of Toronto during the four weeks preceding the week in which such meeting is to be held. Annual meetings.

9. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company upon such notice as is provided in the last preceding section. Special meetings.

10. The directors may, from time to time, make such calls as they shall think fit, provided that no calls shall be made at any one time of more than twenty per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call, as provided by section 8 of this Act. Calls.

11. The provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in stock.

12. The provisional or elected directors of the company may, in their discretion exclude anyone from subscribing for stock in said company, or may before allotment cancel the subscription and return the deposit of any person if they are of opinion that such person would hinder, delay or prevent Power of directors to exclude persons from subscribing for stock.

the

the company from proceeding with and completing their undertaking under the provisions of this Act, or that such person's membership is for other reasons undesirable, and if at any time more than the whole stock shall have been subscribed the said board of directors shall allocate or apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Capital stock.

13. The capital stock of the company hereby incorporated shall be five million dollars, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into fifty thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the acquisition, making, equipping, maintaining and completing of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may by resolution of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Power to issue guaranteed or preferred stock.

14. The directors of the company may issue guaranteed or preferred stock to the amount of three million seven hundred and fifty thousand dollars, such issue to be approved of by the shareholders at a special general meeting to be called for that purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid up all calls due thereon, are present in person or represented by proxy, notice of the intention to propose such issue at such meeting being given in the notice calling the meeting; but such stock shall not interfere with the lien mortgage and privilege of the bondholders holding bonds issued under the authority of this Act.

Bonding powers.

15. The directors of the company, with the authority of the shareholders obtained at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid up all calls due thereon, are present in person or represented by proxy, may issue mort-

gage

gage bonds upon the said railway, not exceeding seventy-five thousand dollars for each mile of single track of said railway for the purposes of the undertaking, and the docks and other works authorized by this Act which shall constitute a first mortgage and privilege upon the said railway and docks and other works so authorized, and upon any interest of the company in any subsidy or subsidies or gifts of land or guarantees of money or securities for money granted or to be granted in aid of the said railway and docks, or other works which the company may receive from any government or persons or bodies corporate, in so far as such subsidy, land, gift, money or securities have been from time to time earned by the company, or to which said company is or may become entitled, and upon its property, real and personal, rolling stock, cradles, plant, tolls and revenues after deduction from such tolls and revenues of said company of the working expenses of the said railway and docks and other works; and such mortgage shall be evidenced by a deed or deeds of mortgage, executed by the company with the authority of the directors, expressed by a resolution of the board, passed at a special meeting called for the purpose, which deed or deeds may contain such conditions respecting the payment of the said bonds and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof or by any trustee or trustees for them in default of such payment and for enforcing such remedies, and for such forfeitures and penalties in default of payment thereof and of the interest or coupons thereon as may be approved by such board; and may also with the approval aforesaid authorize the trustee or trustees upon such default as one of such remedies to take possession of the railway, docks and property mortgaged and hold and run the same for the benefit of the bondholders thereof, for a time limited by such deed or deeds, or to sell the said railway and property after such delay and upon such terms and conditions as may be stated in such deed or deeds; and with like approval may thereby grant such further and other powers and privileges to such trustee or trustees and to such bondholders as are not contrary to law or to the provisions of this Act, including the right to the holders of such bonds to vote at meetings of shareholders and bondholders, whenever any instalment, either of interest or capital, is in default as shall be described in such deed or deeds, and in case of the death, refusal, or incapacity to act, or resignation of any such trustee or trustees, a new trustee or trustees may be appointed at any joint meeting of bondholders and shareholders specially called for the purpose—notice of such meeting to be given by advertisements for six weeks in the *Ontario Gazette*, and by a circular letter mailed six weeks at least before such meeting to each bondholder and shareholder.

Power to purchase whole lots.

16. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or for gravel pits, or for

constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring gravel, etc., for construction and maintenance of railway.

17. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits.

18.—(1) When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c 170.

19.

Aid from municipalities.

19. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as to bonus by-laws.

20. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-law, what to contain.

21. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an

annual

annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Provisions for referring to arbitration disputes as to by-laws.

22. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expenses of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county as the arbitrators may order.

"Minor municipality" meaning of.

23. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit for expenses.

24. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried council to pass same.

25. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

26. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

27.

Levying rate on portion of a municipality.

27. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of municipal Acts as to by-laws.

28. The provisions of *The Municipal Act* and the amendments thereto so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

29. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

30. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar valid.

31. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Exemption from taxation.

32. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

33.

Trustees of debentures.

33. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of proceeds of debentures.

34. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Ontario Ship Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B," hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees

35. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Form of conveyances.

36. Conveyances of land to the said company for the purposes of this Act made in the form set out in schedule "A" to this

this Act or to the like effect shall be sufficient conveyance to the said company their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof.

Telegraph and telephone lines.

37. The said company shall have power to construct a telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company. And the said company may construct, maintain and operate works for generating, conducting and applying of electricity for the purpose of lighting the line and works, and for motive power to be used in connection therewith. And for the purpose of generating electricity, furnishing motive power, and supplying water for the use of said railway and the steamers and other vessels carried thereover, the said company may open, lay down, build, construct and maintain sluices, pipes, tunnels, and viaducts to convey water to, from and along the said line of railway, and the said company may sell, dispose or lease any surplus water or power so obtained to any persons or bodies corporate.

Rev. Stat. c. 158.

Expropriation powers.

38. The said company may expropriate without the consent of the proprietor thereof and according to the provisions of *The Railway Act of Ontario*, lands not exceeding thirty yards in width for each single track of railway. And the said company may also expropriate lands along and adjacent to their said lines of railway and also lands lying between their lines of railway and any water supply, and also lands at the termini of said railway, and such other lands as they may require, upon which to build, construct, erect, open or lay down turntables, hydraulic lifts, elevators, wharves, piers, docks, dock walls, gates, stationary engines, boiler and tank houses, fuel sheds, water pipes, sluices, viaducts, tunnels, reservoirs, and such other works as may be necessary to the undertaking.

Running trains.

39. The company shall not be compelled to start and run their trains at regular hours, except such trains as they may run daily for the purpose of carrying passengers.

Power to contract for

40. The directors of the said company may enter into a contract or contracts with any individual or association of

individuals

construction and equipment of line.

individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock : Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

Commencement and completion of work.

41. If the construction of the railway is not commenced and ten per centum of the amount of capital is not expended therefor within five years after the passing of this Act, and if one single track of the railway is not finished and put in operation in ten years from the passing of this Act, the corporate existence and powers of the company shall cease. But nothing in this Act or *The Railway Act of Ontario* contained shall prevent this company putting down additional tracks, after the expiration of ten years from the passing hereof.

Rev. Stat. c. 170.

Rev. Stat. c. 170 incorporated.

42. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof in so far as they are applicable to the company hereby incorporated shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act; but nevertheless the words "but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work" contained in article (*c*) of sub-section 20 of section 9 of *The Railway Act of Ontario* as amended by chapter 45 of the Statutes passed in the 53rd year of Her Majesty's reign, shall not apply to this Act.

SCHEDULE "A."

(*Section 36.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Ontario Ship Railway company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or*

those

those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said The Ontario Ship Railway Company their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D., 18

Signed, sealed and delivered in presence of } (L.S.)

SCHEDULE "B."

(*Section 34.*)

CHIEF ENGINEER'S CERTIFICATE.

THE ONTARIO SHIP RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department,* A.D. 18

Certificate to be attached to cheques drawn on The Ontario Ship Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A. B.*, chief engineer of The Ontario Ship Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER

CHAPTER 98.

An Act respecting the Toronto and Mimico Electric Railway and Light Company (Limited).

[*Asented to 14th April, 1892.*

Preamble.

WHEREAS a petition has been presented by the Toronto and Mimico Electric Railway and Light Company (Limited) praying that an Act may be passed granting powers of expropriation for the purposes of their railway ; and also confirming the two indentures set forth in schedules "A" and "B" to this Act ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Power to expropriate land.

1. The said company are hereby authorized and empowered to make, carry, or place their railway across or upon, and to enter upon and take for the purposes of their proposed railway, the following lands, that is to say :—Firstly—That parcel of land lying between the north limit of the lake shore belonging to the corporation of the county of York and the south fence of the Grand Trunk Railway Company along the front of what was known as lot 37 in the broken front concession of the township of York. Secondly—That parcel of land thirty feet wide bounded on the north by the south fence of the Grand Trunk Railway Company, and being the northerly thirty feet of the parcel of land formerly known as the Parkdale water works lot, and extending from a point south of the place where the Lake Shore Road aforesaid crosses the Grand Trunk Railway in front of lot 35 in the broken front concession of the township of York, easterly to the line of the southerly limit of Queen street if extended across the said Grand Trunk Railway. Thirdly—A parcel of land not to exceed one-half an acre of land lying on the south side of Queen street in the city of Toronto, between the westerly part of King street and the north fence of the Grand Trunk Railway Company ; the said secondly above described parcel of land being necessary and to be used only for the construction of an overhead bridge over the Grand Trunk Railway, which with the approaches thereto and the works connected therewith shall be made, constructed and maintained, subject to the approval of the Engineer of the Public Works Department of the Province of Ontario or of an Engineer to be appointed by the Commissioner of Public Works for Ontario, and the said three parcels of land being neces-

sary

sary for the construction, maintenance, accommodation and use of the said street railway, or for other purposes of the company subject to the provisions of *The Railway Act of Ontario* as regards the power and authority to take such lands, the mode of taking, the compensation to be paid therefor, and the damages suffered from the exercise of such powers, and with all power and authority therein conferred upon railways. Rev. Stat. c. 170.

Provided always that the said company shall make, carry and place their railway across and along the secondly above described parcel of land so as to preserve access to the Lake Shore Road in connection with and appurtenant to the said Parkdale Water Works lot, as fully as at present for horses, carriages and persons. Proviso.

2. The indentures made between the corporation of the county of York and the Toronto and Mimico Electric Railway and Light Company (Limited), and dated respectively the 16th day of January, A. D., 1892, copies of which are set out in the schedules "A" and "B" hereto and the several provisions thereof are hereby declared to be binding on the parties thereto and to give to the company all rights and powers which the county possessed and purported to give. Agreements confirmed.

SCHEDULE "A."

(Section 2.)

This indenture, made in duplicate, this sixteenth day of January, one thousand eight hundred and ninety-two, between the corporation of the county of York, hereinafter called the county of the first part; and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called the company, of the second part. Whereas the said company was by indenture dated the 23rd day of December, one thousand eight hundred and ninety, granted by the county permission to construct, maintain, complete and operate an electric railway or tramway along or upon that portion of the Lake Shore Road lying between the western limit of Roncesvalles avenue produced southerly in the city of Toronto and the western limit of the county's road now known as the Lake Shore Road, subject to such conditions, restrictions and regulations as are more particularly set forth in the said indenture. And whereas on or about the 12th day of July, 1884, the county leased to the corporation of the village of Parkdale that portion of the Lake Shore Road lying between Dufferin street and Roncesvalles avenue for the term of twenty-one years from the date of said indenture. And whereas the council of the corporation of the county of York have expressed

their

their willingness to give the company such rights as the county may have the power to give the company to construct, maintain and operate an electric railway or tramway over the said last mentioned portion of the Lake Shore Road, until the expiration of the term demised to the corporation of the village of Parkdale by the said indenture of lease.

Now therefore this indenture witnesseth that the said parties of the first part and the said parties of the second part have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows :—

1. That the company, their successors and assigns, be permitted without let or hindrance from the county, their successors or assigns, to construct, maintain, complete and operate and from time to time remove and repair an iron or steel railway track or tramway, to be a double track in, upon and along that portion of the Lake Shore Road lying between the western limit of Dufferin street and the western limit of Roncesvalles avenue produced southerly on Queen street in the city of Toronto for the full space and term of thirteen years and six months from the 12th day of January, 1892, being the balance of the term for which the said portion of the said Lake Shore Road was demised or leased to the corporation of the village of Parkdale by indenture bearing date the 12th day of July, 1884, such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public and being subject always to the provisions of this agreement. Provided, however and it is hereby agreed between the parties hereto that this clause shall be construed to give to the parties of the second part such rights only as the county have power to give them during the currency of the term demised by the county to the corporation of the village of Parkdale by the said indenture of lease.

2. All works necessary for constructing and laying down rails or tramways shall be made in a substantial manner according to the then existing modern practice under the supervision of such officer as may be appointed by the county for that purpose and to the satisfaction of the corporation of the county of York.

3. The roadway, tracks and rails of the said railway or tramway shall be located and constructed on such place within the above mentioned portion of the Lake Shore road as shall be decided upon by such officer as aforesaid. All space between the rails and between the tracks and at least one foot six inches from the outside of each track shall be paved, and kept constantly in good order and repair and shall be maintained flush with the rails of the said railways or tramway by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the party of the first part

within

within the limits aforesaid at the intersection of each such railway or tramway track and cross street or highway now opened or that may hereafter be opened within the above mentioned portion of the Lake Shore Road.

4. The track and turnouts shall conform to the grades of the said street or such other grades as may be furnished by such officer as aforesaid, or the party of the first part, and shall not in any way be changed or altered except with the approval of the said officer or the party of the first part; but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such case when required by the said officer, the said company, their successors or assigns shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and repave the same. The top of the rails shall be laid flush with the street and shall always be kept flush therewith and the gauge of the said railway or tramway shall be uniform with the street railways of the city of Toronto, or the standard electric railway gauge, in the discretion of the company.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof showing the position of the rails and other works on said street shall have been submitted to and approved of by the warden and county commissioners as aforesaid.

6. That the parties of the first part, or their assigns, shall have the right to take up any part of the streets or highways traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of sewers, or drains, or culverts, or side-crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation, without the company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway, or works connected therewith; and in prosecuting such works, should any change be made in the grade of the Lake Shore Road by orders of the officer aforesaid or the parties of the first part or their assigns, the said company, their successors or assigns, shall without delay make its road or track conform with such changed grade of road so made.

7. The rails and cars to be used by the said company, their successors or assigns, shall be of the latest approved pattern, the same to be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon the portion of the said railway occupied by the said railway or tramway, in the same manner as upon other portions of the highway, and vehicles of every description to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said company, their

successors or assigns, it being provided, however, that the cars of the said company, their successors or assigns, shall have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

8. The railway or tramway shall not be opened to the public nor put in operation until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction may be granted upon a certificate from the officer appointed as aforesaid declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement on that behalf.

9. The company, their successors or assigns, shall run at least ten cars each way morning and evening on a regular time-table, at such hours as will best meet the wants of the residents and the general public. The speed of the said cars not to exceed twelve miles an hour.

10. The conductors shall announce to the passengers the names of the stations, streets, highways, and public squares, as the cars reach them.

11. When the accumulation of ice or snow is, in the opinion of the officer as aforesaid or the parties of the first part, sufficient to impede the running of the cars, the company shall, on receiving notice from him or them, remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said officer. And when the snow is removed from the track the company shall slant down the snow on the roadway so as to be convenient for the travelling public, to the satisfaction of the said officer.

12. No higher fare than is allowed by the charter and franchise granted by the corporation of the city of Toronto to the Toronto Street Railway Company shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein, and tickets shall be sold at the same rates as provided for in said city charter.

13. The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and the said company, their successors or assigns, shall hold the said parties of the first part and their assigns in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part, or their assigns, all sums payable by or recovered against the said parties of the first part or their assigns in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of

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the first part or their assigns, and such claims and costs shall be a first lien on the property of the company, their successors or assigns.

14. Should the company, their successors or assigns, neglect to keep their track or road or crossings or ballastings in good condition, according to the terms of this agreement, or to have the necessary repairs according to this agreement made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the officer appointed as aforesaid for the time being of the parties of the first part, as to the necessity of such repairs in order to keep the said track, or roadway, or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if after such notification given requiring such repairs to be made, the said company, their successors or assigns, do not within one week begin to carry to completion with all reasonable diligence and complete within fifteen days from receipt of such notice, or such further time as the said officer may allow, this agreement shall be null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns; the said company, for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

15. The company, their successors or assigns, shall have the exclusive right and privilege to construct a railway or tramway in, along and upon the said portion of the Lake Shore road, subject to the observance of the conditions and agreements herein contained for the period above mentioned, and subject to the proviso expressed in the first paragraph of this indenture.

16. The council of the county of York for the time being shall be entitled to be represented by a director on the board of the said company appointed annually by the county council, and to vote upon all matters and questions relating to the construction, location, maintenance and repairs of the railway

17. No motive power other than electricity or horse power shall be used on the said road in any way, at any time.

18. The services of the said officer in all cases to be paid by the company.

19. That the company, their successors or assigns shall be subject to all by-laws and parts of by-laws of the said county of York, now in force or that may be hereafter passed in respect to highways as far as practicable.

20. It is expressly understood and agreed between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the corporation of the county of York has power to give, and if it shall be held by

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any court of competent jurisdiction that the said corporation of the county of York has not power to give the permission or franchise hereby assumed to be given, that thereupon this indenture shall be null and void and of no effect.

21. And the parties of the second part for themselves, their successors and assigns covenant and agree with the parties of the first part, their successors and assigns, that they the parties of the second part will forever hold harmless and indemnified the parties of the first part, their successors and assigns from all damages, costs, and charges arising out of or in consequence of or in connection with the prosecution or defence of any suit, action or proceeding that may be undertaken at the instance of the parties of the second part or their assigns for the purpose of ascertaining or declaring what powers may be possesed by the said parties of the first part to give an exclusive or other right to erect or maintain tracks or railways on the portion of the Lake Shore Road in this indenture referred to or in any manner calling in question any rights given or arising out of or intended to be given or to arise out of this indenture. The said parties of the first part hereby agreeing to prosecute or defend in the name of the county of York any action under this section which the said parties of the second part deem advisable in their interests to be prosecuted or defended.

Provided that before the said county shall be bound to enter upon any such prosecution or defence the company or their assigns shall give such security as may be approved of by the warden and county commissioners for the performance and fulfilment of the indemnification provided for by this section.

In witness whereof the corporation of the county of York has hereunto affixed its corporate seal by the hand of the warden and clerk of said county, and the said the Toronto and Mimico Electric Railway and Light Company (Limited), has affixed its corporate seal by the hands of the president.

Signed, sealed and executed in the presence of } (Sgd). W. H. PUGSLEY, Warden.
(Sgd). GEO. EAKIN, Clerk.
GEO. W. McFARLEN.
(Sgd). F. BARLOW CUMBERLAND, President.
(Sgd). J. DAWSON, Secretary.

SCHEDULE "B."

(Section 2.)

This indenture, made in duplicate this sixteenth day of January, one thousand eight hundred and ninety-two, between the corporation of the county of York, hereinafter called the

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county, of the first part; and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called the company, of the second part.

Whereas the said company was by indenture dated the 23rd day of December, one thousand eight hundred and ninety, granted by the county permission to construct, maintain, complete and operate, an electric railway or tramway upon and along that portion of the Lake Shore Road, lying between the western limit of Roncesvalles avenue, producing southerly on Queen street, in the city of Toronto and the western limit of the county's road, known as the Lake Shore Road, subject to such conditions, restrictions and regulations as are more particularly set forth in the said indenture.

And whereas on or about the 12th day of July, 1884, the county leased to the corporation of the village of Parkdale that portion of the Lake Shore Road lying between Dufferin street and Roncesvalles avenue, for a term of twenty-one years from the date of said indenture.

And whereas the council of the corporation of the county of York have expressed their willingness to give the company certain rights to maintain and operate an electric railway or tramway over the said last mentioned portion of the Lake Shore Road, after the expiration of the term demised to the corporation of the village of Parkdale by the said indenture of lease, and until the 23rd day of December, 1911.

Now therefore this indenture witnesseth that the said parties of the first part and the said parties of the second part have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows:—

1. That the company, their successors and assigns be permitted without let or hindrance from the county, their successors or assigns to construct, maintain, complete and operate, and from time to time remove and repair, an iron or steel railway track or tramway, to be a double track in, upon and along that portion of the Lake Shore Road lying between the western limit of Dufferin street and the western limit of Roncesvalles avenue, producing southerly on Queen street in the city of Toronto, from the 12th day of July, 1905, being the date of the expiration of the lease of the said portion of the said Lake Shore Road to the corporation of the village of Parkdale by indenture, bearing date the 12th day of July, 1884, until the 23rd day of December, 1911, such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement, provided, however, and it is hereby agreed between the parties hereto that this clause shall be construed to give to the parties of the second part such rights only as the county have power to give them during the time between the

expiration of the term demised by the county to the corporation of the village of Parkdale, by the said indenture of lease, and the said 23rd day of December, 1911.

Provided also, and it is hereby agreed between the parties hereto that the said permission shall not be construed to give an exclusive right or franchise, but such right or franchise shall be subject to any agreement respecting a similar use of the said portion of the Lake Shore Road that may be made between the corporation of the county of York and any other corporation or person, and said permission or franchise is to be construed as giving a right only of operating a surface street railway over the said portion of the Lake Shore Road, and if the said corporation of the county of York so desires it may give a similar permission or franchise to any other corporation or person, subject to such terms and conditions as may be agreed upon between the county of York aforesaid and such other corporation or person, provided always that all rights and privileges granted or intended to be granted to the said company under this agreement shall be preserved.

2. All works necessary for constructing and laying down rails or tramways shall be made in a substantial manner according to the then existing modern practice under the supervision of such officer as may be appointed by the county for that purpose, and to the satisfaction of the corporation of the county of York.

3. The roadway, track and rails of the said railway or tramway shall be located and constructed on such place within the above mentioned portion of the Lake Shore Road as shall be decided upon by such officer as aforesaid. All space between the rails and between the tracks and at least one foot six inches from the outside of each track shall be paved and kept constantly in good order and repair, and shall be maintained flush with the rails of the said railway or tramway by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the parties of the first part within the limits aforesaid at the intersection of each such railway or tramway track and cross street or highway now opened or that may hereafter be opened within the above mentioned portion of the Lake Shore Road.

4. The track and turnouts shall conform to the grades of the said street, or such other grades as may be furnished by such officer as aforesaid or the party of the first part, and shall not in any way be changed or altered except with the approval of the said officer or the party of the first part, but in all cases where it is found necessary in determining the grades of the said railway or tramway, to lay the same at a different grade from the street or road, then in such cases when required by the said officer the said company, their successors or assigns, shall make up or depress the grade of the

said

said street to conform with the grade of the railway or tramway and repave the same. The top of the rails shall be laid flush with the street, and shall always be kept flush therewith, and the gauge of the said railway or tramway shall be uniform with the street railways of the city of Toronto or the standard electric railway gauge in the discretion of the company.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof showing the position of the rails and other works on said street shall have been submitted to and approved of by the warden and county commissioners as aforesaid.

6. That the parties of the first part or their assigns shall have the right to take up any part of the streets or highways traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains or culverts or side crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation without the company, their successors or assigns, being entitled to any compensation for damages, or otherwise occasioned to the working of the railway or tramway or works connected therewith, and in prosecuting such works should any change be made in the grade of the Lake Shore Road by orders of the officer aforesaid or the parties of the first part or their assigns, the said company, their successors or assigns, shall without delay make its road or track conform with such changed grade of road so made.

7. The rails and cars to be used by the said company, their successors or assigns, shall be of such pattern as shall be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon the portion of the said railway occupied by the said railway or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said company, their successors or assigns, it being provided however that the cars of the said company their successors or assigns shall have the first right of way over the said railway or tramway except in case of any corporation or person being granted a similar right or franchise as is hereby assumed to be given to the parties of the second part, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway except as aforesaid, shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

8. The railway or tramway shall not be opened to the public nor put in operation until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and

such

such sanction may be granted upon a certificate from the officer appointed as aforesaid declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement on that behalf.

9 The company, their successors or assigns, shall run at least ten cars each way morning and evening on a regular time-table at such hours as will best meet the wants of the residents and the general public. The speed of such cars not to exceed twelve miles an hour.

10. The conductors shall announce to the passengers the names of the stations, streets, highways and public squares as the cars reach them.

11. When the accumulation of ice or snow is, in the opinion of the officer aforesaid, or the parties of the first part, sufficient to impede the running of the cars the company shall, on receiving notice from him or them remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said officer. And when the snow is removed from the track the company shall slant down the snow on the roadway so as to be convenient for the travelling public to the satisfaction of the said officer.

12. No higher fare than is allowed by the charter and franchise granted by the corporation of the city of Toronto to the Toronto Street Railway Company shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein, and tickets shall be sold at the same rates as provided for in the said city charter.

13. The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway, and the said company, their successors or assigns, shall hold the said parties of the first part and their assigns in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part or their assigns all sums payable by or recovered against the said parties of the first part or their assigns in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of the first part or their assigns, and such claims and costs shall be a first lien on the property of the company, their successors or assigns.

14. Should the company, their successors or assigns, neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement or to have the necessary repairs, according to this agreement, made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto that a certificate of the officer appointed as aforesaid for the time being of the parties of the first part as to the necessity of such repairs in order to keep the said track

or roadway or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if after such notification given requiring such repairs to be made the said company, their successors or assigns, do not within one week begin and carry to completion with all reasonable diligence and complete within fifteen days from receipt of such notice or such further time as the said officer may allow, this agreement shall be null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns, the said company for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

15. The company, their successors or assigns, shall have a right, but not the exclusive right, and privilege to construct a railway or tramway in, along and upon the said portion of the Lake Shore road, subject to the observance of the conditions and agreements herein contained for the period above mentioned and subject to the proviso expressed in the first paragraph of this indenture and the whole of the provisions of clause 21 hereof.

16. The council of the county of York for the time being shall be entitled to be represented by a director on the board of the said company appointed annually by the county council and to vote upon all matters and questions relating to the construction, location, maintenance and repairs of the railway.

17. No motive power other than electricity or horse power shall be used on the said road in any way at any time.

18. The services of the said officer in all cases to be paid by the company.

19. That the company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said county of York now in force or that may be hereafter passed in respect to highways as far as practicable.

20. The said parties of the second part for themselves, their successors and assigns, covenant, promise and agree with the said parties of the first part, their successors and assigns, that they the parties of the second part will at all times during the continuance of the privilege or franchise hereby granted or assumed to be granted at the request or upon the demand of the parties of the first part, their successors or assigns, allow any corporation or person to whom such permission, privilege or franchise may be given or granted by the parties of the first part, their successors or assigns, or by any corporation or person with the consent of the parties of the first part, their successors or assigns, and upon such terms and conditions as may be agreed upon by the said parties of the first and second parts, their successors or assigns, and such other corporation or person, to run over, upon and along the tramway or rails of the

parties

parties of the second part and to use the same in such manner and for such purposes as may be deemed necessary or expedient by the said parties of the first part, their successors or assigns, subject to such terms and conditions as may be agreed upon as aforesaid, and the said parties of the second part, their successors or assigns, shall not, in case of any such permission or franchise being given or consented to by the parties of the first part, their successors or assigns, be entitled to any compensation, money, payment, indemnity or damages by reason or on account of such permission or franchise except for compensation for use of the rails of the company or their assigns as may be agreed upon by the county.

21. It is expressly understood and agreed between the parties hereto that this indenture is to be construed as giving only such permission or franchise as the corporation of the county of York has power to give, and if it shall be held by any court of competent jurisdiction that the said corporation of the county of York has not power to give the permission or franchise hereby given that thereupon this indenture shall be null and void and of no effect.

22. And the parties of the second part, for themselves, their successors and assigns, covenant and agree with the parties of the first part, their successors and assigns, that they the parties of the second part, their successors or assigns, will abide by, submit to, perform and fulfil in every respect any agreement, privilege or franchise that may be made, given or granted under the provisions of the last preceding paragraph hereof.

23. And the parties of the second part, for themselves, their successors and assigns, covenant and agree with the parties of the first part, their successors and assigns, that they, the parties of the second part, will forever hold harmless and indemnified the parties of the first part, their successors and assigns, from all damages, costs and charges arising out of, or in consequence of, or in connection with the prosecution or defence of any suit, action, or proceeding that may be undertaken at the instance of the parties of the second part, or their assigns, for the purpose of declaring or ascertaining what powers may be possessed by the said parties of the first part to give a right to erect or maintain tracks or railways on the portion of the Lake Shore road in this indenture referred to, or in any manner calling in question any rights given or arising out of, or intended to be given or to arise out of this indenture. The said parties of the first part hereby agreeing to prosecute or defend in the name of the county of York any action under this section which the said parties of the second part deem advisable in their interests to be prosecuted or defended. Provided that before the said county shall be bound to enter upon any such prosecution or defence, the company, or their assigns, shall give such security as may be approved by the warden and county commissioners for the performance and fulfilment of the indemnification provided for by this section.

24.

24. Upon the expiration of the privilege and franchise granted by this agreement, the company, their successors or assigns, shall be entitled to a renewal of the same, and upon the expiration of such renewal term to further renewals thereof upon such terms and subject to such conditions, covenants, provisoes and stipulations as may be agreed upon between the county, or their successors, on the one part, and the company, their successors or assigns, on the other part; and in case the said parties are unable to agree then upon such terms, conditions, covenants, provisoes and stipulations as may from time to time on each such renewal be determined upon by arbitration to be appointed under the provisions of *The Municipal Act*—provided, however, that at the expiration of the existing privileges and franchise granted herein, the parties of the first part may, upon giving notice in writing of their intention to the company, their successors or assigns, twelve months prior to the expiration of the said existing privilege and franchise, assume the ownership of the railways and tramways of the company, its successors or assigns, and all real and personal property in connection with the working thereof, on payment of the value of the same to be determined by arbitration.

25. As soon as the lease to the said village of Parkdale shall expire, and provided the county shall be called upon to maintain the same, the said company, their successors or assigns, shall, if requested by the parties of the first part, maintain the whole or any part of the said portion of the Lake Shore road hereinbefore described, and shall keep it in such good and proper state of repair as shall meet with the approval of the officer hereinbefore mentioned; provided that if after due notice having been given to the company, their successors or assigns, the road be not properly kept in repair to the satisfaction of the said officer, he shall be entitled to enter and have the same repaired at the expense of the company, their successors or assigns.

In witness whereof the said corporation of the county of York has hereunto affixed its corporate seal by the hands of the warden and clerk of said county, and the said The Mimico Electric Railway and Light Company (Limited) has hereunto affixed its corporate seal by the hand of its president.

Signed, sealed and executed in the presence of GEO. W. MCFARLEN.

(Sgd.) WM H. PUGSLEY, *Warden.*

(Sgd.) GEO. EAKIN, *Clerk.*

(Sgd.) F. BARLOW CUMBERLAND, *President.*

(Sgd.) J. DAWSON, *Secretary.*

CHAPTER

CHAPTER 99.

An Act to incorporate the Toronto Railway Company and to confirm an agreement between the Corporation of the City of Toronto and George W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth.

[*Assented to 14th April, 1892.*

Preamble

WHEREAS George W. Kiely, of the City of Toronto, Esquire, William McKenzie, of the City of Toronto, Contractor, Henry A. Everett, of the City of Cleveland, in the State of Ohio, Secretary of the East Cleveland Railway Company (Electric), and Chauncey C. Woodworth, of the City of Rochester, in the State of New York, Esquire, have by their petition prayed for an Act of incorporation for the purpose of enabling the company so to be incorporated to acquire and take over from them the contract or agreement made by and between the City of Toronto and the said petitioners, bearing date the first day of September, 1891, to the end, intent and purpose that the said Company may carry out the said agreement with the said City of Toronto for the purchase of the street railways and properties and the street railway privilege of and belonging to the said City of Toronto and may work the said railways, and have also prayed that the said agreement may be confirmed ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement confirmed.

1. The agreement between the Corporation of the City of Toronto and the said George W Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth, hereinafter called "the purchasers," and the conditions and tenders therein referred to and incorporated therewith which are fully set forth in the schedule "A." to this Act, are hereby declared to be valid and legal and to be binding upon the said parties thereto and it is hereby declared that under the said agreement the purchasers acquired and are entitled to the exclusive right and privilege of using and working the street railways in and upon the streets of the said City of Toronto, except that portion of Yonge street, north of the Ontario and Quebec Railway, and

that

that portion of Queen street (Lake Shore Road) west of Dufferin street; and that the purchasers acquired and are entitled to such right and privilege (if any) over the said excepted portions of Queen street and Yonge street as the Corporation of the City of Toronto had at the time of the execution of the said agreement power to grant for a surface street railway; for the full period of thirty years from the first day of September, 1891, on all days except Sundays, and no longer, but subject nevertheless to all the conditions, provisoes and restrictions in the said agreement expressed or contained, and as hereinafter mentioned. Provided always that nothing contained in this Act nor the confirmation of the said agreement shall limit, interfere with, affect or prejudice the rights and privileges (if any) of the Corporation of the County of York, or of the Toronto and Mimico Electric Railway and Light Company (Limited), over the said portion of Queen street (Lake Shore Road) or of the Corporation of the County of York, or the Metropolitan Street Railway Company of Toronto over the said portion of Yonge street, as they exist at the time of the passing of this Act; provided that notwithstanding anything in said schedule or in this Act contained no street car shall run on the Lord's Day, and further provided, that nothing herein contained shall prevent the operation of any law which may hereafter be passed by this Legislature authorizing the running of street cars on said day. But nothing herein contained shall extend to prohibit the doing of any act which is not a contravention of the Revised Statute chapter 203 intituled an *Act to prevent the profanation of the Lord's Day*, if and when such act shall have been approved of by the citizens by a vote taken on the question as provided by the said agreements.

Incorporation.

2. The said purchasers together with such other persons or Corporations as shall become shareholders of the Company hereby incorporated are hereby constituted a body corporate and politic by the name of "The Toronto Railway Company," hereinafter called "The Company."

Company empowered to purchase railway.

3.—(1) The Company is hereby authorized and empowered to contract and agree with the purchasers and such other person or persons (if any) who may be interested with them in the said agreement for the purchase thereof and of all the said properties, rights and privileges, and the Company may on the grant and assignment thereof to it take and hold the same and the Company shall thereupon and thereby have vested in it all the right, title, interest, property, claim, demand and privilege of the purchasers subject, however, to all the liens, charges and obligations upon which the same were held by the purchasers.

(2) The Company may grant and issue its shares as paid-up shares in payment or on account of payment of the price agreed

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to be paid to the purchasers for their rights under the said contract or may give them credit on their subscriptions for shares on account thereof.

Powers of company.

4.—(1) After the said agreement has been duly assigned to the Company, it shall, subject to the provisions and conditions contained therein, have full and exclusive power to acquire, construct, complete, maintain and operate on all days except Sundays, and from time to time remove and change, a double or single track street railway, with the necessary side-tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon or along all or any of the said streets or highways of the City of Toronto, subject to the exceptions and under the qualifications contained in the first section hereof, and to take, transport and carry passengers upon the same by the force and power of animals, electricity or other motive power, in accordance with the terms of, and subject to the provisions of the said agreement, and to construct and maintain and from time to time alter, repair and enlarge all necessary and convenient works, stations, buildings and conveniences therewith connected or required for the due and efficient working thereof, and to purchase, acquire, construct or manufacture all engines, carriages, cars and other machinery and contrivances necessary for the purposes of the undertaking, and shall have full power to carry out, fulfil and execute the said agreement and conditions.

(2) If the City of Toronto desire to exercise the right of taking over the property necessary to be used in the working of the railways at the termination of the said period of thirty years it shall, not less than twelve months prior thereto, give to the purchasers or the Company, as the case may be, notice of its intention so to do.

(3) After the said City of Toronto shall have given notice of its intention to take over the said property, it may at once proceed to arbitrate under the conditions in that behalf and both the City and the purchasers or the Company, as the case may be, shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible, to make their award not later than the time named by the City for taking over the said property, But if from any cause the award shall not be made by such time or if either party be dissatisfied with the award, the City may nevertheless take possession of the said railways and all the property and effects thereof real and personal necessary to be used in connection with the working thereof on paying into Court either the amount of such award, if the award be made, or if not upon paying into Court or to the purchasers or Company, as the case may be, such sum of money as a judge of the High Court of Justice may after notice to the opposite party order and upon and subject and according to such terms, stipu-

lations

lations and conditions as the said Court shall by its order direct and prescribe, Provided always that the rights of the parties except in so far as herein specially provided shall not be affected or prejudiced thereby. In determining such value the rights and privileges granted by the said agreement and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, equipments, and works connected with and necessary to the operation of the railways which is not to include any land, property or rights acquired or used in connection with the said street railway, and which do not actually form a part of the said street railway undertaking necessary to the carrying on of the same.

(4) In arriving at such value the arbitrators are to consider and award only the value of the said several particulars to the City at the time of the arbitration, having regard to the requirements of a railway of the best kind and system then in operation and applicable to the said City.

(5) In the event of the City, at the expiration of the thirty years in the first section of this Act mentioned, not exercising its right to take over the real and personal property necessary to be used in connection with the working of the said railways, the City may, at the expiration of any succeeding year thereafter, exercise such right upon giving not less than six months' notice to the Company, and the privileges of the Company shall continue until the City exercises such right; provided always that whenever the City shall exercise such right of taking over the said property the provisions for determining the value thereof herein contained shall apply in the same manner as if the City had exercised its right at the expiration of the said period of thirty years.

Power of company as to acquiring land.

5. The Company shall have power and authority to purchase, hold and take by purchase of any corporation or person any lands or other property necessary for the construction, maintenance, accommodation and use of the undertaking, and also to alienate, sell or dispose of the same, but all such lands within the City of Toronto shall be held subject to the conditions of the said agreement.

Company authorized to enter into agreement with city.

6.—(1) The Company is hereby authorized to enter into and execute a contract or agreement with the Corporation of the City of Toronto for the purpose of assuming the contract and the covenants, agreements and obligations which the said purchasers in and by their said agreement with the said City of Toronto agreed to do, perform, fulfil and execute; and upon such agreement, which may be in the form and to the effect set forth in schedule "B" to this Act, being executed by the Company and delivered to the City, the Company shall be substituted for the purchasers and the purchasers shall

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be forever freed and discharged of and from all and every covenant, condition and obligation entered into by them in and by the said agreement forming schedule "A" to this Act.

(2) Notwithstanding anything in the said agreement or in this Act contained all school taxes and rates payable by the said Company shall be subject to and be governed by the general law respecting school taxes of incorporated companies as to all holders or owners of the stock thereof other than the present owner or holders.

Capital stock.

7. The capital stock of the Company shall be $1,000,000 divided into 10,000 shares of $100 each.

Head office.

8. The head office of the Company shall be in the City of Toronto, in the Province of Ontario.

Provisional directors.

9. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders and shall have power and authority to open stock books, and to procure subscriptions for the undertaking, and to call a general meeting of the shareholders for the election of directors, as hereinafter provided; and the said provisional directors, or a majority of them, may in their discretion exclude any person from subscribing.

Rights of aliens.

10. Aliens and Companies incorporated abroad, as well as British subjects and Corporations, whether resident in this Province or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote equally with British subjects, and shall also be eligible for office as directors of the Company.

Qualifications of directors.

11. No person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the Company, upon which all calls have been paid.

First general meeting and election of directors.

12. When, and so soon as shares to the amount of $100,000 of the capital stock of the Company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario, the provisional directors shall call a general meeting of subscribers for the purpose of electing directors, giving at least ten days notice in the *Ontario Gazette*, and in one newspaper published in the City of Toronto, of the time, place and object of the said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meting have paid ten per cent. on the stock subscribed by them, shall elect five persons to be directors of the above Company in manner and

qualified

qualified as hereinbefore described ; and the sum so paid shall not be withdrawn from the bank, except for the purposes of this Act.

Subsequent Annual meeting.

13. Thereafter the general annual meeting of the shareholders of the Company for the election of a board of five directors, and the transaction of other business connected with, or incident to the undertaking, shall be held at the head office of the Company, or elsewhere as the directors may deem most convenient on such day and at such hour as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the City of Toronto.

Special general meetings.

14. Special general meetings of the shareholders of the Company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the Company upon such notice, as is provided in the last preceding section.

Management of company.

15. The affairs of the Company shall be managed by the board of directors, a majority of whom shall constitute a quorum.

Incorporation of Rev. Stat. c. 171, s. 16. sub-ss. 1, 2 and 3.

16. Sub-sections 1, 2 and 3 of section 16 of *The Street Railway Act* are hereby incorporated herein and made part of and are to be considered as sections of this Act and are to apply to the acquisition by the Company of sites for power, buildings, and other necessary privileges.

Fares.

17. The fare of every passenger shall be due and payable on entering the car or other conveyance of the Company, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested so to do, shall be liable to a fine of not more than $10, beside costs, and the same shall be recoverable before any justice of the peace.

Certain provisions of Rev. Stat. c. 170. incorporated.

18. Section 34 (except so much of sub-section 15 thereof as is prohibitive of a person being chosen a director by reason of his holding any office, place or employment in the company), sections 35, 36, 37, 38 and 42 of *The Railway Act of Ontario*, shall be incorporated with and be deemed and taken to be clauses or sections and parts of this Act, and shall apply to the Company when not inconsistent with the provisions herein and wherever in the said sections of *The Railway Act* the words "special Act" occur they shall mean this Act.

Power to operate street railways.

19.—(1) The Company shall have power by and with the consent of any of the local municipal corporations in the County of York to acquire privileges to build and operate surface

railways

railways on all days except Sundays within the limits of such municipalities, over roads within their jurisdiction by electric or other motive power, and upon such terms and conditions and for such periods but not to extend beyond the 31st day of August, 1921, as may be agreed upon between the Company and such local municipal corporation, subject to the rights and privileges which any other company or corporation may be entitled to for or in respect of a surface street railroad within the limits of the said municipality.

(2) And the said local municipal corporations respectively are hereby authorized and empowered to make and enter into such agreements.

(3) Upon the acquisition of such privilege the Company shall have power to construct, build and operate a railway or railways in such municipality or municipalities, over roads within their jurisdiction, in respect of which such privilege has been acquired, subject to the terms and conditions that may be contained in any such agreement or agreements and subject as aforesaid.

(4) Provided always that if any such local municipality or any part thereof shall be annexed to the City of Toronto during the said period of thirty years or any extension thereof as hereinbefore provided the railway or railways belonging to the Company constructed within the said local municipality or such part thereof as may be annexed as aforesaid and the working thereof and the Company in relation thereto shall have all the rights conferred by and be subject to all the terms and conditions of the said agreement (being schedule "A" to this Act) and shall be released and discharged from all agreements, covenants and conditions to the said local municipality so far as the said railway or railways are within the said city.

Agreement with ferry company.

20. The Company shall also have power to enter into agreements with any other company or corporation owning a privilege for the operation of a surface railway within the limits of the said local municipalities to acquire or lease any such privilege, or to make traffic or operating arrangements with any such company or corporation upon such terms and conditions as the board of directors of the contracting companies or corporations may fix and agree, but every such agreement or arrangement must be sanctioned at a special general meeting of the shareholders of the Company called for the purpose of considering the same by a vote of at least two-thirds in value of all the shareholders of the Company.

Acquiring lands for park purposes.

21. The Company shall also have power by and with the consent of the councils of the respective municipalities to acquire and hold any lands or premises or any estate or

interest

interest therein for park or pleasure grounds and for no other purpose within the limits of the City of Toronto or any of the said local municipalities, and the said Company is authorized to improve and lay out such lands or premises for parks or places of public resort, to be used on all days except Sundays and to mortgage or lease the said lands or premises or any portion thereof as they may think expedient and to sell from time to time such portions of such lands as they may deem unnecessary for the said purposes.

(1) Provided always that the land to be held as aforesaid shall not exceed 300 acres, and not more than 100 acres in one locality, and it is hereby declared that any land or premises, estate or interest therein which may be acquired by the Company under the provisions of this section shall not be property which the City in taking over the real and personal property of the Company at the expiration of the said period of thirty years or any extension thereof shall be bound to acquire. Provided moreover, that the Company shall not under this section have power to acquire any lands after the lapse of seven years after the passing of this Act; and provided also that nothing in this section contained shall be deemed to enable the Company to carry on the general business of a land company.

Bonding powers.

22.—(1) The directors of the Company, under the authority of the shareholders, to them given at any special general meeting called for the purpose and in the manner provided by this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time not exceeding, however, in any case the expiration of thirty years from the 1st day of September, 1891, and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors think proper:—

(*a*) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions, which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*)

(*c*) The power of issuing bonds conferred upon the Company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

(2) The Company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the Company, present or future or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(*a*) By the said deed the Company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette.*

(3) The bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the Company, and the privileges acquired under the said agreement by this Act confirmed, and the undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section:—

And save and except the bonds or debentures for $600,000 issued by the Toronto Street Railway Company referred to in the said agreement so far as the same are now a charge on the undertaking and subject to the charges in favour of the City provided by the said agreement.

(*a*) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(4)

(4) If the Company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the Company to a corresponding amount.

(*a*) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the Company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(*b*) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(5) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as herebeinfore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the tranfer of shares.

Limit of bonding powers.

23. The issue of bonds, debentures or other securities by this Act authorized, shall not exceed the sum of $35,000 for each mile of street railway track constructed or under contract for construction: Provided that such bonds, debentures or other securities shall not in any way interfere with or prejudice the right of the City in case it chooses to exercise its right to take over the undertaking in pursuance and on the terms of the said agreement in which case the said bonds, debentures or other securities shall cease to be a charge on the undertaking, but they shall nevertheless be a charge on any moneys to be paid by the City therefor.

Application of proceeds of bonds.

24.—(1) Whereas among the terms embodied in the conditions referred to in the said agreement it is stipulated that the purchasers are to satisfy the treasurer of the said City, that means

are provided for meeting the payment of such bonds or debentures as the Company may issue at the maturity thereof, and it is expedient to substitute in lieu of such stipulations the following provision:—It is therefore enacted that the net proceeds of all or any of such bonds or debentures issued in pursuance of the power by this Act conferred shall be laid out and expended in the purchase or acquisition of the rails, rolling stock, motor, buildings and lands required therefor, and other necessary plant, fixtures and materials and in the laying of such rails and erection of such plant, and in execution and fulfilment of the conditions of the said contract or agreement for the change of the system entered into by the said purchasers to be assumed by the Company as hereinbefore provided.

(2) It is hereby declared that all the bonds, debentures or other securities, at any time issued by the said Company shall forthwith, after the issue thereof, be handed over to trustees to be named in the mortgage deed, which, under the provisions of the twenty-second section of this Act the Company is authorized and empowered to grant, for the purpose of securing such bonds, debentures or other securities, and shall only apply the same from time to time under the provisions of subsection 1 of this clause and as such payments may be earned by the actual expenditure of money for the purposes therein set forth and in discharge of the said $600,000 of bonds or debentures.

Company not to deposit snow or ice on highways.

25. And whereas doubts have arisen as to the construction and effect of sections 21 and 22 of the said conditions, it is hereby declared and enacted that the said Company shall not deposit snow, ice or other material upon any street, square, highway, or other public place in the city of Toronto without having first obtained the permission of the City Engineer of the said City or the person acting as such.

Negotiable instruments.

26. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, shall be binding on the Company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

27. In this Act "Street" shall include any highway; "The Lands" shall mean the lands which by the special Act are authorized to be taken and used for the purpose thereof; "The Undertaking" shall mean the railway, and works of whatever description, by the special Act authorized to be executed. Meaning of "Street," "The Lands," "The Undertaking."

SCHEDULE "A".

(*Section 1.*)

This Indenture made (in triplicate) the first day of September, one thousand eight hundred and ninety-one.

Between The Corporation of the City of Toronto, hereinafter called "The Corporation," of the first part; and George Washington Kiely, of the City of Toronto, Esquire; William McKenzie, of the City of Toronto, Contractor; Henry Azariah Everett, of the City of Cleveland, in the state of Ohio, Secretary of the East Cleveland Railway Company, Electric, and Chauncey Clark Woodworth, of the City of Rochester, in the state of New York, Esquire, hereinafter called "the purchasers," of the second part.

1. Whereas by virtue of an Act of the Legislature of the Province of Ontario, being 52 Victoria, chapter 73, intituled *An Act respecting the City of Toronto*, The Corporation of the City of Toronto was empowered, after having acquired the ownership of the railways of the Toronto Street Railway Company and all the real and personal property in connection with the working thereof, to sell, lease or otherwise dispose of the same to any one or more persons, firms or corporations on such terms and for such periods as might be agreed upon between the city and the said persons, firms or corporations.

2. And whereas under and by virtue of another Act of the said Legislature, being 53 Victoria, chapter 105, the said corporation was empowered to proceed to arbitration under the 18th resolution of the agreement therein referred to in order to determine the value to be paid by the said Corporation to the Toronto Street Railway Company for the said railways and the said real and personal property.

3. And whereas the Corporation proceeded with the said arbitration, and an award was duly made therein on the 15th day of April, A.D. 1891, whereby the said value was determined to be the sum of $1,453,788 inclusive of certain outstanding debentures charged upon the said undertaking to the amount of $600,000.

4.

4. And whereas the Corporation paid into the High Court of Justice, Chancery Division, the amount of the said award and acquired the said railways and property and is now in possession and full enjoyment thereof.

5. And whereas the said Corporation resolved to sell the said railways and all the property so acquired by the City from the Toronto Street Railway Company, and also to dispose of the right to operate surface street railways in the City of Toronto as hereinafter mentioned, as more fully appears from the said award and from the conditions, tender and by-law which are annexed to this agreement and made part and parcel thereof.

6. And whereas the Corporation advertised for tenders for the purchase of the said railways, property and privilege, and the purchasers (Kiely, McKenzie & Everett), tendered therefor and their said tender was duly accepted by the said Corporation.

7. And whereas a by-law authorizing the execution of an agreement between the Corporation and said purchasers was duly passed by the said Corporation on the 27th day of July, A.D. 1891, in pursuance whereof this agreement has been duly prepared and approved.

8. And whereas the said purchasers have associated with them the said Chauncey C. Woodworth as a partner in the said undertaking.

9. And whereas the value of the horses, cars, harness, stock and other movable property and effects referred to in the fifth paragraph of the said conditions and payable in cash has been settled for the purposes of this agreement at the sum of $475,000, and it has been agreed by and between the said parties that a first lien or charge shall be created by these presents upon all the property which is the subject of this agreement, and shall be held by the Corporation thereon for the balance (namely, for the sum of $378,788 and interest), of the amount of the said award, subject only to the charge created by the said debentures to the extent of $600,000 with interest.,

10. NOW THIS INDENTURE WITNESSETH that the said Corporation, in consideration of the said sum of $475,000 now paid by the purchasers to the Corporation (the receipt whereof is hereby acknowledged) and of the premises, doth by these presents in pursuance of all the powers in that behalf enabling it so to do, sell, grant and assign to the purchasers, their heirs, executors, administrators and assigns, all the said railways and property acquired by the Corporation from the Toronto Street Railway Company as aforesaid under and in pursuance of the said arbitration and award; and also all the extensions, additions and renewals to the said railways and property, real and personal, made by the Corporation during its ownership of the railway; subject to the said outstanding debentures and to the said charge above referred to, and to all the conditions herein mentioned.

TO HAVE and TO HOLD to the purchasers, their heirs, executors, administrators and assigns, to their sole and only use, subject as aforesaid.

11.

11. AND THIS INDENTURE FURTHER WITNESSETH that the Corporation for the considerations aforesaid doth by these presents, in pursuance of all the powers in that behalf enabling it so to do, grant unto the said purchasers, their heirs, executors, administrators and assigns for a period of twenty years from the date of these presents (which period shall be renewed for a further term of ten years, and no longer, in the event of legislation being obtained to enable this to be done, the said Corporation hereby undertaking at once on request being made by the said purchasers to aid in procuring the needed legislation to authorize such renewal for such further period of ten years) the exclusive right for the said period of twenty years and the said extended period of ten years, in the event of the said needed legislation being obtained, and no longer, upon the aforesaid conditions to operate surface street railways in the City of Toronto, excepting on the Island and on that portion, if any, of Yonge street from the Ontario and Quebec railway tracks to the north city limits over which the Metropolitan Street Railway claims an exclusive right to operate such railways and the portion, if any, of Queen Street West (Lake Shore Road) over which any exclusive right to operate surface street railways may have been granted by the Corporation of the County of York, and also the exclusive right for the same term to operate surface street railways over the said portions of Yonge street and Queen Street West (Lake Shore Road) above indicated so far as the said Corporation can legally grant the same; but this clause and nothing contained in this agreement shall give or be construed to mean or give to the purchasers the power to engage in any other business than that of operating surface street railways as herein permitted.

12. And it is mutually understood, declared and agreed by and between the Corporation and its successors and the purchasers, their heirs, executors, administrators and assigns, that the said award, conditions, tender and by-law so attached hereto as aforesaid are incorporated with these presents and made part and parcel thereof, and the said parties mutually and respectively covenant, promise and agree with each other to carry into effect, observe, perform and fulfil all the provisions and stipulations therein contained and to be carried into effect, observed, performed and fulfilled by the said parties and their aforesaids respectively.

13. And the said purchasers for themselves, and each of them for himself, and for their and each of their heirs, executors, administrators and assigns, covenant, promise and agree with the Corporation, their successors and assigns, as follows: that they will fulfil all the conditions, stipulations and undertakings in this agreement contained, it being understood that the reference to particular matters to be performed by the purchasers shall not diminish or limit the obligations of this agreement.

14. The said purchasers and their aforesaids covenant as afore-

said

said with the said Corporation that they will pay to the said Corporation the said sum of $378,788 being the balance of the said award in four equal quarterly payments on the first days of December, March, June and September next, or the first juridical day thereafter, respectively, with interest at the rate of 5 per cent. per annum from the date of this agreement, on the amount thereof then remaining unpaid.

15. And that they will yearly and every year during the term covered by this agreement pay to the Corporation through its City Treasurer the sum of $800 per annum per mile of single track, or $1,600 per mile of double track, occupied by the rails of the said railways within the said limits (not including turnouts, the length of which are to be approved of by the City Engineer), in four equal quarterly instalments on the first days of January, April, July and October in each year, or on the first juridical day thereafter respectively, the first instalment to be the proportionate part of the quarterly instalment accruing from the date of these presents to the first day of October next.

16. And that they will monthly, and every month during the term covered by this agreement, on the first Monday of each month pay to the Corporation through its City Treasurer, the percentages in the said conditions and tender referred to, being the following percentages of the gross receipts from passenger fares, freight, express and mail rates, and all other sources of revenue derived from the traffic obtained by the operation of the said railways, namely :—

On all gross receipts up to	$1,000,000	per annum,		8%
Between	$1,000,000	and	1,500,000	"	10%
"	1,500,000	and	2,000,000	"	12%
"	2,000,000	and	3,000,000	"	15%
And on all gross receipts over	3,000,000	"		20%

17. And it is further understood, declared and agreed between the parties to these presents, that should the Corporation within a reasonable time eliminate from clause 31 of the said conditions, the provision requiring a class of tickets to be sold at the rate of 8 tickets for 25 cents, for use during certain specified hours of the day, then, and in that event, the said purchasers for themselves, their executors, administrators and assigns, covenant, promise and agree with the Corporation and their successors that they will in accordance with their said tender in that behalf pay to the Corporation and its successors during the unexpired period of the said term covered by this agreement two (2) per cent. of the said gross receipts, in addition to the percentages hereinbefore mentioned, such additional percentages to be payable monthly as aforesaid.

18. The purchasers, in addition to the other considerations payable to the Corporation for the said railways and property, shall pay to the Corporation the following items, viz :—

(1) The actual cost to the Corporation of the extensions and additions to the tracks, made by the Corporation since the acquisition thereof.

(2) The actual cost to the Corporation of additions to plant and materials for the use of said railway handed over to the purchasers.

(3) The actual cost to the Corporation of the new horses purchased since the railway has been acquired.

(4) One-half of the actual cost to the Corporation of the painting, renovating and other repairing done to the cars, plant and appliances of the railway since the acquisition thereof from the said Street Railway Company.

19. The purchasers covenant that they will well and truly pay to the holders of said hereinbefore mentioned debentures as they mature the said sum of $600,000, thereby secured and interest thereon from the date of these presents, and will indemnify and save harmless the Corporation from all claims and demands in respect thereof.

20. That they will build and equip or cause to be built and equipped a car factory, within the limits of the City of Toronto, for the manufacture and repair of all the cars and railway plant used on the said railways, and will there continuously carry on, or caused to be carried on, such business, and the manufacture and repair of all the said cars and railway plant during the term covered by this agreement, and that the performance of this clause may be specifically enforced by the order and injunction of the High Court of Justice.

21. And it is hereby agreed that all the said railway property liable to be assessed for school purposes, shall be assessed for public school purposes, and that the rates levied in respect thereof, shall be payable to the public school funds of the City of Toronto.

22. And it is further understood, declared and agreed between the said parties to these presents that the delivery over and acceptance of the said property shall not interfere with the rights of the parties under clause three of the said conditions, but that notwithstanding this act the Judge of the County Court of the County of York shall settle any difference that may arise between the parties in respect thereof, and the sum so settled by him shall be forthwith paid by the party liable to the party to whom the same is found due.

23. And it is further understood, declared and agreed by and between the said Corporation and the said puchasers that if the said purchasers form a joint stock company for the purpose of carrying this agreement into effect then, upon payment of the said sum of $378,788, and interest as aforesaid, the said company shall, upon executing the necessary contract of substitution be substituted for the said purchasers, and the said clause 23 of the said conditions shall apply to such company so to be formed as aforesaid, and shall cease to apply to the individual purchasers who shall thenceforward be discharged from all individual liability in the premises.

24. And it is further declared, covenanted and agreed by and between the parties to these presents that all the property the

subject

subject of this agreement is hereby charged with the payment of all the moneys to be paid under this agreement as the purchase money of the said property.

25. And it is further covenanted and agreed by and between the parties to these presents that the payment of the said gross percentages monthly, and mileages quarterly, and the fulfilment of the obligations of the said conditions shall be a lien and charge on the said railways and the property used in the working thereof both before and after the incorporation of the said company intended to be substituted as aforesaid in the place of the said purchasers, but this provision shall not interfere with the right of such purchasers or of the said company after the payment of the purchase moneys as aforesaid to sell and dispose of any property which is not required for the operation of the said railways; all the property however which replaces that which may be sold or disposed of is to be charged under this clause as the original property is now hereby charged, and all after acquired property is to be in the same manner charged for the fulfilment of the said obligations.

26. And it is further covenanted and agreed by and between the parties to these presents, that a sufficient supply of each of the classes of tickets mentioned in the said conditions, shall at all times be kept for sale, and sold to all persons desirous of purchasing the same, on all cars while running through the streets of the City, and also at the public offices of the purchasers.

27. And it is further understood, declared and agreed by and between the said parties that in fixing the allowance to be made for horses which have been sold by the Corporation, and therefore not forthcoming under the provision in clause 3 of the said conditions, the Corporation shall only be liable to account for and pay the price realized on such sales.

28. And it is further understood, declared and agreed by and between the said parties that the system of accounts and bookkeeping to be adopted by the purchasers shall be subject to the approval of the City Treasurer and the Auditors appointed by the City.

29. And it is further convenanted and agreed between the parties to these presents that all conveyances, assurances and instruments necessary to carry out fully these presents shall from time to time be executed by the parties hereto, the same to be settled by James S. Cartwright, Q. C., Registrar of the Queen's Bench Divison of the High Court of Justice in case the parties differ about the same.

30. All outstanding car-fare tickets issued by the Corporation or by the Toronto Street Railway Company prior to the date hereof shall be accepted as fares by the purchasers when presented by passengers on the conveyances of the said railways subsequent to the date hereof; and the Corporation agrees that upon such tickets being returned to it from time to time,

it will pay to the purchasers the same prices therefor for which such tickets were issued by the Corporation and said Toronto Street Railway Company respectively.

In witness whereof the said Corporation has hereto affixed its Corporate Seal, under the hand of Edward Frederick Clarke, Esquire, Mayor of the said City, and Richard Theodore Coady, Esquire, City Treasurer and Keeper of the said Seal, and the said purchasers have set their repective hands and seals.

Signed, sealed and delivered in the presence of
THOMAS CASWELL.
GEO. KAPPELE.

E. F. CLARKE, *Mayor.*
[SEAL].
R. T. COADY, *Treasurer.*

G. W. KIELY,
WILLIAM MCKENZIE,
By his Attorney.
Nicol Kingsmill,
H. A EVERETT,
C. C. WOODWORTH.
[SEALS].

THE AWARD, CONDITIONS, TENDER AND BY-LAW.

Referred to in the agreement hereto attached, dated the first day of September, 1891, between the Corporation of the City of Toronto and George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth.

Conditions of sale of the Street Railway Franchise of the City of Toronto, as adopted by the City Council May 5th 1891.

1. The privilege to be disposed of is the exclusive right (subject as hereinafter provided) to operate surface street railways in the City of Toronto—excepting on "the Island" and on that portion (if any) of Yonge street, from the Ontario and Quebec Railway tracks to the North City limits, over which the Metropolitan Street Railway Company claims an exclusive right to operate such railways, and the portion (if any) of Queen Street West (Lake Shore Road) over which any exclusive right to operate surface street railways may have been granted by the Corporation of the County of York—for a period of twenty years, which shall be renewed for a further period of ten years in the event of legislation being obtained to enable this to be done; and the City will assist in endeavouring to secure such legislation.

(*a*) Over those portions of Yonge Street and Queen Street West (Lake Shore Road) above indicated, the purchaser shall have an exclusive right to operate surface street railways, so far as the City can legally grant the same.

2.

2. The party whose tender is accepted (and who is herein called "the purchaser") must take over all the property to be acquired by the City from the Toronto Street Railway Company, as it stands on the date of the acceptance of the tender, including the rails, points and substructures of all tracks now laid, real estate, buildings, shops, rolling stock, horses, machinery stock and all other articles covered by the award of the Board of Arbitrators at the amount of said award.

3. Particulars of the said property are set forth in the schedule attached to the award of the said Board of Arbitrators; but the City will only undertake as to the tracks actually constructed and the real estate, buildings and shops that all of the articles mentioned in said schedule will be forthcoming.

(*a*) The City will convey and deliver to the purchaser and the purchaser shall take over and pay for all the property and effects (whether mentioned in said schedule or otherwise) which the City acquires from the Toronto Street Railway Company under the said award, and if anything mentioned in said schedule is not forthcoming, or if anything is acquired by the City, as aforesaid, which is not specified in said schedule, the purchase money to be paid as herein provided shall be subject to such increase or abatement as may be agreed upon between the City and the purchaser, or (in case they fail to agree within ten days after acceptance of tender) as shall be fixed by the Judge of the County Court of the County of York, who is hereby appointed sole arbitrator for that purpose, with all the powers of arbitrators appointed under the sections of *The Municipal Act* relating to the appointment of arbitrators.

4. The purchaser must accept the title to the above properties which the City acquires or will acquire by virtue of the award of the arbitrators, and must search the same at his own expense, and the City is not to be bound to produce or show any documents or evidences of title except such as are in its possession or power.

5. The sum tendered for the above properties, except horses, cars, harness, stock and other movable properties and effects (which are to be paid for in cash at the time the contract is entered into) may either be paid in cash or secured to the satisfaction of the City Treasurer, and paid in four equal quarterly payments, counting from the date of contract, and bearing interest at the rate of 5 per cent. per annum from May 16th, 1891, till paid.

N.B.—There is outstanding $600,000 debentures issued under the authority of the Act 47 Vict. (Ont.) Cap. 77, bearing interest at 6 per cent. per annum, payable half-yearly, and forming a charge upon the undertaking as in said Act is provided. These debentures do not mature until 1914. The purchaser takes the property subject to this charge, and also to certain existing mortgages amounting to about $40,000 and assumes payment of these with the interest accruing thereon from date of purchase.

6.

6. The purchaser shall not charge the undertaking with bonds or debentures for a longer period than the term of this contract, and must satisfy the City Treasurer that means are provided for meeting such obligations at maturity.

7. At the termination of this contract the City may (in the event of the Council so determining) take over all the real and personal property necessary to be used in connection with the working of the said railways, at a value to be determined by one or more arbitrators (not exceeding three) to be appointed as provided in *The Municipal Act* and the *Acts respecting Arbitrations and References*, and to have all the powers of arbitrators appointed under said Acts, and each party shall bear one half of the cost of the necessary arbitration at conclusion of term of lease, but the City shall only pay for the land conveyed by them to the purchaser, what it is worth, without reference to its value for the purpose of operating a street railway or railways.

8. The City will construct, reconstruct and maintain in repair the street railway portion of the roadways, viz., for double track, 16ft. 6in., and for single track, 8ft. 3in., on all streets traversed by the railway system, but not the tracks and substructure required for the said railways.

9. The purchaser shall pay to the City Treasurer the sum of eight hundred dollars per annum per mile of single track (not including turn-outs), such sum or sums to be paid in four quarterly instalments, as follows: January 1st, April 1st, July 1st and October 1st of each year, or on the first juridical day after each of the said days respectively, and shall also pay the City Treasurer monthly on the first Monday in each month per cent. of the gross receipts from passenger fares, freight, express and mail rates and all other sources of revenue derived from traffic obtained by operation of said street railway system. All books, accounts and vouchers kept by the purchaser shall be subject to monthly audit by auditors, to be appointed by the City Council, and all reasonable facilities for such audit shall be afforded by the purchaser.

Tracks, etc., and Roadways.

10. The purchaser shall maintain the ties, stringers, rails, turn-outs, curves, etc., in a state of thorough efficiency and to the satisfaction of the City Engineer, and shall remove, renew or replace the same, as circumstances may require, and as the City Engineer may direct. When a street upon which tracks are now laid is to be paved in a permanent manner, on concrete or other like foundation, then the purchaser shall remove present tracks and substructures and replace the same, according to the best modern practice, by improved rails, points and substructures of such description as may be determined upon by the City Engineer as most suitable for the purpose, and for the comfortable and safe use of the highway by those using

vehicles

vehicles thereon, and all changes in the present rails, tracks and roadbed, construction of new lines, or additions to present ones, shall be done under the supervision of the City Engineer and to his satisfaction.

(*a*) In the event of the purchaser desiring to make any repairs or alterations to the ties, stringers, rails, turn-outs, curves, etc., on paved streets, the purchaser shall re-pave the portion of the roadway so torn up at his own expense.

11. When the purchaser desires or is required to change any existing tracks and substructures for the purpose of operating by electric or other motive power approved by the City Engineer and confirmed by the City Council, the City will lay down a permanent pavement in conjunction therewith upon the track allowance (as herein defined) to be occupied by such new tracks and substructures. This shall first apply only to existing main lines and thereafter to branch lines or extensions of main lines and branches, as and when the City Engineer may from time to time recommend and the City Council may direct and require; but such tracks as are now laid on a permanently formed roadway, must, when so required as aforesaid, be changed by the purchaser as hereinbefore provided, without any change of roadbed being made, or any expense occasioned to the City thereby.

12. The gauge of the system (4ft. 11in.) is to be maintained on main lines, and extensions thereof, and branch lines and extensions thereof; and the location of the railway on any street shall not be made by the purchaser or confirmed by the City Council until plans thereof showing the proposed position of the rails, the style of rail to be used, and the other works in each such street have been submitted to, and approved in writing, by the City Engineer.

13. The tracks shall conform to the grades of the streets upon which they are respectively laid, and the purchaser shall not in any way change or alter the same without the written permission of the City Engineer.

14. The purchaser will be required to establish and lay down new lines and to extend the tracks and street car service on such streets as may be from time to time recommended by the City Engineer and approved by the City Council, within such period as may be fixed by By-law to be passed by a vote of two-thirds of all the members of said Council, and all such extensions and new lines shall be regulated by the same terms and conditions as relate to the existing system, and the right to operate the same shall terminate at the expiration of the term of this contract.

15. No new lines or extensions of existing lines shall be opened for traffic, until the purchaser has obtained a certificate in writing from the City Engineer that the same has been constructed to his satisfaction.

16. The purchaser shall not extend any line of the said railway beyond the limits of the City, or acquire, own, control or operate a line or lines connecting or in conjunction with or adjoining a City line or lines forming practically prolongations thereof, without first having had the plans of the same [as to position, elevation and gradients on the highway or crossings of highways, or until an agreement has been entered into whereby such suburban line or lines will be altered (at purchaser's expense) to conform to the grades established by the City when the streets or routes become City property or within its limits], approved, in writing, by the City Engineer, and confirmed by the City Council.

17. In case the purchaser fails to establish and lay down any new line, as aforesaid, and to open the same for traffic, or to extend the tracks and services on any street or streets within such period as may be fixed by By-laws of the City Council, to be passed as herein provided, the privilege of laying down such new lines or extensions on the street or portion of street so abandoned by the purchaser, may be granted by the said Council to any other person or company, and the purchaser shall in such case have no claim against the City for compensation.

18. The City shall have the right to take up and replace the streets traversed by the railway lines for the purpose of altering the grades thereof, constructing or repairing pavements, sewers, drains or conduits, or for laying down or repairing water or gas pipes, and for all other purposes within the powers of the Corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway, or the works connected therewith.

19. The privilege hereby granted is also subject to any existing rights (statutory or otherwise) of any other corporation which now has power to open or take up the streets of the City, such rights to be exercised with the permisssion and under the direction of the City Engineer.

20. The purchaser shall, within one year from the 16th day of May, 1891, discontinue the use of the buildings as stables on Scollard street, and also the buildings on Yorkville avenue.

21. The track allowances (as hereinafter specified), whether for a single or double line, shall be kept free from snow and ice at the expense of the purchaser, so that the cars may be used continuously; but the purchaser shall not sprinkle salt or other material on said track allowances for the purpose of melting snow or ice thereon without the written permission of the City Engineer, and such permission shall in no case be given on lines where horse power is used.

22. If the fall of snow is less than six inches at any one time, the purchaser must remove the same from the tracks and spaces hereinafter defined, and shall, if the City Engineer so

directs,

directs, evenly spread the snow on the adjoining portions of the roadway; but should the quantity of snow or ice, etc, at any time exceed six inches in depth, the whole space occupied as track allowances (viz: for double tracks, sixteen feet six inches, and for single tracks, eight feet three inches), shall, if the City Engineer so directs, be at once cleared of snow and ice and the said material removed and deposited at such point or points on or off the street as may be ordered by the City Engineer.

23. If the purchaser becomes bankrupt or insolvent, or makes any assignment for the benefit of creditors, or becomes subject to the operations of any winding-up Act, or allows an execution against his goods or lands to remain in the hands of the sheriff of Toronto unsatisfied for more than ninety days, then and in any such case all the rails, stringers, ties, turn-outs, points, sidings, etc., shall become the property of the City without compensation to the purchaser.

24. Electric or other new system of motor, or a combined system, approved by the City Engineer and confirmed by the City Council as suitable, shall be introduced within one year, and used upon such portions of the following streets as may be required by the City Engineer and approved of by the Council within three years of the date of contract, viz: Queen Street, from eastern City limit to High Park (or as near thereto as the City may then have power to grant a right to operate a line on said street); King Street, from its intersection at Queen Street and River Don to intersection with Queen Street at Roncesvalles Avenue; Front Street from Simcoe Street to Frederick Street; Yonge Street, from Front Street to Ontario and Quebec Railway tracks; Frederick and George Streets, from Front to King Street; Sherbourne Street, from King Street to North Drive; Elm Avenue, from Sherbourne Street easterly to Glen Road; Spadina Avenue, from King Street to Bloor Street; Parliament Street, from Queen Street to Carlton Street; Gerrard Street, from Greenwoods Avenue to Parliament Street; Carlton Street, from Parliament Street to Yonge Street; College Street, from Yonge Street to Jameson Avenue, at intersection of Dundas Street; Dundas Street, from Queen Street to the Bridge; Bloor Street, from Sherbourne Street to Roncesvalles Avenue; York Street, from Front Street to Queen Street; McCaul Street, from Queen Street to College Street; Bathurst Street, from King Street to the Canadian Pacific Railway tracks, and Broadview Avenue, from Queen Street to Danforth Avenue.

25. Until such changes are carried out in such a manner as will permit its disuse, horse power may be continued on branch and other lines, or parts of same, under written permit from the City Engineer, who shall also have the right to order extra horse power to be employed on steep grades.

26. The speed and service necessary on each main line, part of same or branch, is to be determined by the City Engineer and approved by the City Council.

DAY

Day Cars.

27. Day cars are to commence running on all routes not later than 5.30 a.m., and to run until 12 o'clock midnight, at such intervals as the City Engineer, with the approval of the City Council, may from time to time determine.

Night Cars.

28. Night cars shall be run on such routes and at such hours and intervals as may be deemed necessary by the City Engineer and approved by the City Council.

Tickets and Fares.

29. Single (cash) fares are to be five cents each.

30. Fares on night cars to be double the ordinary maximum single fare rates.

31. A class of tickets must be sold at the rate of 8 for 25 cents, the same to be used only by passengers entering the cars between the time the day cars commence running and 8 a.m., and between 5 and 6.30 p.m

A class of tickets must be sold at the rate of 25 for $1, and

Another class at the rate of 6 for 25 cents.

32. Children under nine years of age, and not in arms, are to be carried at half fare rates and infants in arms are to be carried free; school children are to have school tickets at the rate of 10 for 25 cents, only to be used between 8 a.m. and 5 p.m. and not on Saturdays.

33. The payment of a fare shall entitle the passenger to a continuous ride from any point on said railway to any other point on a main line or branch of said railway within the city limits; and to enable this service to be carried out, transfer arrangements must be made by the purchaser to meet with the approval of the City Engineer and the endorsation of the Council.

34. Police Constables in uniform, detective police officers in the employ of the City, and (while a fire is in progress) members of the City Fire Department in uniform, shall be carried free.

35. The purchaser shall be liable to, and shall indemnify he City against all damages arising out of the construction or operation of the said railway system.

Cars.

36. Cars are to be of the most approved design for service and comfort, including heating, lighting, signal appliance, numbers and route boards. They must be kept clean inside and out, and shall not exhibit advertisements outside unless

under

under permit from the City Engineer. The platforms must be provided with gates Cars are to be used exclusively for the conveyance of passengers, unless otherwise permitted by the City Engineer, and smoking will only be allowed on the front platform of closed cars, and rear seat and platform of open cars.

CONDUCTORS.

37. Each car is to be in charge of a uniformed conductor who shall clearly announce the names of cross streets as the cars reach them. Conductors shall not permit ladies or children to enter or leave the cars while the cars are in motion, and shall only receive and discharge passengers on right or curb side of vehicle on double track routes. On branch or light suburban lines, where horsepower is permitted, single horse cars may be run in charge of a uniformed driver.

38. Cars are not to be overcrowded (a comfortable number of passengers for each class of cars to be determined by the City Engineer, and approved by the City Council).

STOPPING OF CARS.

39. Cars shall only be stopped clear of cross streets, and midway between streets where distance exceeds 600 feet. Cars to have right of way, and vehicles or persons not to obstruct or delay their operation.

SUNDAY CARS.

40. No car shall be run on the Lord's Day until a Sunday service has been approved of by the citizens by a vote taken on the question.

WORKMEN.

41. No employee shall be compelled to work in the service of the railway for a longer period than 10 hours per day, or than 60 hours per week, or on more than 6 days per week, and no adult employee in the service of the railway shall be paid less than 15 cents per hour.

42. Nothing herein contained shall be taken as conferring upon the purchaser any right to construct or operate underground, overhead or elevated railways in the City of Toronto, or a surface railway on the Island ; and the right to construct or operate, or to authorize the construction or operation of such railways in the said City, or in any part thereof, is hereby expressly reserved.

43. In case of any dispute or difference of opinion arising during the term of this contract between the purchaser and the City as to the meaning or construction of this specification, or of the contract to be prepared as herein provided, the same

shall

shall be determined on summary application after two clear days' notice to the other party by the person who, for the time being, fills the office of Judge of the County Court of the County of York, who may, as arbitrator, determine the same with the powers, as to costs and otherwise, of arbitrators under *The Municipal Act*, with right to appeal to the High Court of Justice for Ontario, whose decision shall be final.

44. The purchaser shall furnish to the City Engineer annually (on the first of January) a statement of tracks, cars and all plant and appliances on hand on that date, together with the value of the same.

PENALTY.

45. A deposit in cash, or marked cheque payable to the order of the City Treasurer, or other security, to the value of thirty thousand dollars ($30,000), and to the satisfaction of the City Treasurer, is to accompany each tender as a guarantee, returnable by City if offer not accepted. In the case of the successful bidder, the amount of the deposit will be retained until a formal contract, with bonds, etc., in the usual form of City contracts, and to be approved by the City Solicitor, has been duly entered into, and will be forfeited to the City if the party fails to completely execute the contract within thirty days after notification to enter into same.

46. In case of neglect or failure on the part of the purchaser to perform any of the conditions of the contract to be entered into in accordance with the above specification, the purchaser shall in each such case of failure forfeit and pay to the City the sum of $10,000 as liquidated damages and not as a penalty.

47. The purchaser shall provide a waiting room near the corner of Front and York Streets (Union Station), suitable for the convenience of passengers taking the cars at this point.

N.B.—Persons who submit tenders on the foregoing specification may also submit offers or tenders on their own terms and in such event one deposit shall suffice. Persons may also submit offers or tenders on their own terms.

CITY ENGINEER'S OFFICE,
Toronto, May 6th, 1891.

AWARD OF THE ARBITRATORS.

Re The Toronto Street Railway.

To whom all these presents shall come:

We, Edmund John Senkler, of the City of St. Catharines, in the County of Lincoln, and Province of Ontario, Judge of the County Court of the County of Lincoln, and Charles Henry

Ritchie, of the City of Toronto, in the County of York, and Province of Ontario, one of Her Majesty's counsel learned in the law, send greeting.

Whereas the Corporation of the City of Toronto, by notice in writing bearing date the twenty-third day of November, A.D. 1889, and under the Corporate Seal of the said the Corporation of the City of Toronto, and the hand of Edward Frederick Clarke, Esquire, M.P.P., Mayor of the said City, and Richard Theodore Coady, Esquire, Treasurer of the said the Corporation of the City of Toronto, and keeper of the City seal, addressed to the Toronto Street Railway Company, and served upon the said the Toronto Street Railway Company upon the said twenty-third day of November, A.D. 1889, did require the said the Toronto Street Railway Company to take notice that the Corporation of the City of Toronto intended, at the expiration of the term of the franchise granted to Alexander Easton, Esquire, by certain resolutions adopted by the Municipal Council of the said Corporation on the 14th day of March, 1861, and by a certain agreement made on the twenty-sixth day of March, 1861, between the Corporation of the City of Toronto and Alexander Easton, and by a certain by-law of the said Corporation passed on the twenty-second day of July, 1861, and numbered 353 (and which franchise the said Company then claimed the right to exercise), and also of certain other franchises subsequently granted by the said Municipal Council at different times for the said term to the Toronto Street Railway Company, to assume the ownership of the railways of the said Company, and of all real and personal property in connection with the working thereof, on payment of their value to be determined by arbitration.

And whereas by an order made in the High Court of Justice, Chancery Division, by the Honourable the Chancellor of Ontario, on Wednesday, the eighteenth day of June, A.D. 1890, in the matter of an arbitration between the Corporation of the City of Toronto and the Toronto Street Railway Company, and in the matter of the Acts of the Legislature of the Province of Ontario, 52 Victoria, chapter 13, and 53 Victoria, chapter 105, upon motion that day made unto the said court by Mr. Robinson, Q.C., of counsel for the Corporation of the City of Toronto, and upon reading the affidavit of C. R. W. Biggar, Q.C., a certain notice served by the said City of Toronto on the said Toronto Street Railway Company on the twenty-third day of November, 1889 (being the notice hereinbefore recited), the affidavit of Patrick Joseph McCormack, being the affidavit of service of such notice, and upon reading the notice of motion therein, and a certain agreement made between one Alexander Easton and the said the Corporation of the City of Toronto, on the twenty-sixth day of March, A.D. 1861, (being the agreement mentioned and referred to in said notice), and upon hearing counsel, the Honourable the Chancellor of Ontario did, pursuant to the statute firstly above named, by the said order, appoint

Edmund

Edmund John Senkler, of the City of St. Catharines, Judge of the County Court of the County of Lincoln, Samuel Barker, Esquire, and Charles Henry Ritchie, one of Her Majesty's counsel learned in the law, the arbitrators to ascertain the value to be determined by arbitration under the said agreement.

And whereas the said arbitrators duly took upon themselves the burthen of the said reference and arbitration, and duly weighed and considered the several allegations made by and on behalf of the said the Corporation of the City of Toronto, and the said the Toronto Street Railway Company, the parties thereto, and also the proofs, vouchers, and documents which have been given in evidence before them.

Now, therefore, we, the said Edmund John Senkler, and Charles Henry Ritchie, being two of the above named arbitrators (Samuel Barker, the other of said arbitrators not joining in this award, although present at the making thereof), do hereby make and publish this our award of and concerning the matters so referred to us as aforesaid, in manner following, that is to say:

We find, award, adjudge and determine the value of the railways of the said Toronto Street Railway Company, and of all real and personal property in connection with the working thereof, to be the sum of one million four hundred and fifty-three thousand seven hundred and eighty-eight dollars ($1,453,788.)

We further find, award, adjudge and determine that the said railways, and the said real and personal property so valued by us, consist of and include all the railways, and all the real and personal property specified or mentioned in the schedule hereunto annexed, and also all other railways belonging to or worked or constructed by the Toronto Street Railway Company within the City of Toronto aforesaid, and all other real and personal property of the Toronto Street Railway Company used or intended to be used in connection with their said railways or any of them, and that the above mentioned sum so found by us is the value of all said railways, and of all said real and personal property free and clear and fully and completely exonerated and forever discharged of and from all mortgages, debentures, bonds, debts, liens, encumbrances, claims and demands whatsoever either at law or in equity, and of every nature and kind whatsoever.

We are of opinion that upon the true construction of the agreement of the twenty-sixth of March, 1861, between the Corporation of the City of Toronto and Alexander Easton, and the resolutions recited therein, the right and privilege to construct, maintain and operate street railways upon certain streets in the City of Toronto, was granted to the said Easton for the period of thirty years from the date therein mentioned only, and not in perpetuity, and that all street railways constructed in the City of Toronto by said Easton, or by the Toronto Street

Railway

Railway Company, have been constructed and operated under privileges for the same term of thirty years and not in perpetuity, and in valuing said railways we have valued the same as being railways in use, capable of being, and intended to be used and operated as street railways, but have not allowed anything for the value of any privilege or franchise extending beyond said period of thirty years, as we consider no privilege or franchise exists beyond that period.

We are also of opinion that on the true construction of the agreement of the nineteenth of January, 1889, between the Toronto Street Railway Company and the Corporation of the City of Toronto, the Company is not entitled to be paid for permanent pavements constructed by the City subsequent to the thirty-first of December, 1888, and we also think that such pavements cannot be considered as having been constructed or paid for by the Company as to entitle it to any allowance therefor under the the fifth section of chapter fifty-eight, fortieth Victoria (Statutes of Ontario), and we have, therefore, not allowed anything in respect thereof. In valuing the pavements constructed prior to the first of January, 1889, we have not made any deduction in respect of used life of such last mentioned pavements subsequent to that date, as having regard to the terms of the said agreement of the nineteenth of January, 1889, we do not think any such deduction should be made.

It was shown in evidence before us that the property valued by us is (in whole or in part) subject to the following encumbrances, that is to say: Debentures issued by the Toronto Street Railway Company under the authority of the Act (Statutes of Ontario) forty-seven Victoria, chapter seventy-seven, for the principal sum of six hundred thousand dollars, payable on the first of July, 1914, and bearing interest at the rate of six per cent. per annum, payable half-yearly.

Mortgage in favor of one Platt for eight thousand dollars (principal money), payable on the first of July, 1892, with interest at the rate of six per cent. per annum.

Mortgage in favor of one Crowther for one thousand seven hundred dollars (principal money) payable on the twenty-eighth of April, 1891, with interest at the rate of six per cent. per annum.

Mortgage in favour of one Gooderham for twenty-six thousand dollars (principal money) payable on the first of November, 1891, with interest at the rate of five per cent. per annum.

Mortgage in favour of one Allen for two thousand five hundred dollars (principal money), payable on the twenty-second of December, 1891, with interest at the rate of six per cent. per annum.

And mortgage in favour of one Parsons for two thousand dollars (principal money), payable on the first day of November, 1891, with interest at the rate of six per cent. per annum

By

By sub-section two of section two of chapter one hundred and five, fifty-three Victoria, (Statutes of Ontario), it is provided as follows:

2. "Nothing in this Act contained shall affect the rights of the holders of the debentures heretofore issued under the Act of this Legislature, 47 Victoria, chapter 77, but in the event of the Corporation of the City of Toronto taking such possession, such debentures shall be and continue a first charge upon the said railway and property as declared by that Act, whether the same are retained by the Corporation of the City of Toronto, or are sold or leased by them to any other persons or company, but this declaration shall not be held or taken to prejudice or affect any claim which, on the part of the City of Toronto, may be contended for before the arbitrator or arbitrators as to the amount at which the liability created by the said debentures shall be estimated or valued in calculating the amount to be paid to the Company by or under the award."

And counsel for the City contended before us that under the original agreement, coupled with this section, it was our duty to ascertain and determine what amount should be deducted from the value of the property in respect of the difference between the rates of interest borne by the said debentures and mortgages, and the rate at which the City could borrow money on its own debentures, and adduced evidence to show that the City could, on its own debentures, borrow money at a considerably lower rate than six per cent. per annum.

Although we do not regard the matter as being free from doubt, we are inclined to the opinion that the decision of this question does not come properly within the scope of the reference to us, and therefore we have not taken it into consideration, and our award is made without reference to it.

We have thought it proper, in respect of the main questions of principle involved, to state on the face of the award the basis upon which we have proceded in arriving at our valuation, so that if the conclusions of law we have drawn and upon which we have acted, are erroneous, either party may be in a position to seek such redress as the law may allow.

In witness whereof we, the said Edmund John Senkler and Charles Henry Ritchie (being a majority of the said arbitrators), have hereunto set our hands this fifteenth day of April, A.D. one thousand eight hundred and ninety-one.

(Signed) E. J. SENKLER,
(Signed) C. H. RITCHIE.

Signed and published the fifteenth day of April, A.D. 1891, by the said Edmund John Senkler and Charles Henry Ritchie (the above-mentioned Samuel Barker being present at the time although not joining in the award), in presence of

(Signed) J. F. MIDDLETON.

SCHEDULE.

SCHEDULE.

REFERRED TO IN ANNEXED AWARD, CONTAINING LIST OF THE REAL AND PERSONAL PROPERTY INCLUDED IN VALUATION MADE BY ARBITRATORS.

(1) All railway tracks of the Toronto Street Railway Company now on the streets of the City of Toronto, including curves, switches, cross-overs and turn-outs, stated to be 68.72 miles measured in single track.

(2) The interest of the said Company in all pavements and roadbeds on the streets of said City (basis of valuation of which is shown in award).

(3) Lands, including all buildings and erections thereon:

(*a*) That freehold property of the Toronto Street Railway Company on the south-east corner of Front and Frederick Streets, in the City of Toronto, having a frontage of two hundred feet on the south side of Front Street, a frontage of two hundred feet and five inches on the north side of Esplanade Street, and a frontage of four hundred and fifty-three on the east side of Frederick Street, excepting thereout the lot known as the Currie lot, having a frontage on Frederick Street of eighty feet and two inches by a depth of sixty-six feet.

(*b*) That freehold property of the said Company on the south-west corner of Front and George Streets, in said City, having a frontage of one hundred and thirty-eight feet and five inches on the south side of Front Street, a frontage of four hundred and forty-three feet and three inches on the west side of George Street, and a frontage of one hundred and thirty-four feet and three inches on the north side of Esplanade Street.

(*c*) That freehold property of the said Company on the north-west corner of Front and Frederick Streets, in said City, having a frontage of one hundred and thirty-six feet on the north side of Front Street, and a depth of one hundred and thirty-six feet and nine inches on the west side of Frederick Street.

(*d*) That freehold property of the said Company on the south-east corner of King and St. Lawrence Streets, in said City, having a frontage of two hundred feet on the south side of King Street, and a frontage of one hundred and ninety-three feet and nine inches on the east side of St. Lawrence Street.

(*e*) That leasehold property of the said Company on the north side of St. Lawrence Street occupied by them in connection with the freehold property lastly above described, and held by the said Company under lease from the trustees of the Toronto General Hospital.

(*f*) That freehold property of the said Company on the south side of Scollard Street, in said City, commencing on the south side of Scollard Street at a point distant one hundred and

seventy

seventy feet westerly from the west side of Yonge Street, and running westerly from that point three hundred feet, and having a uniform depth of seventy-five feet and eight inches, together with the leasehold property of the said Company adjoining the same and used in connection therewith.

(*g*) That freehold property of the said Company on the north side of Yorkville Avenue, in said City, commencing at a point on the north side of Yorkville Avenue three hundred and seventy feet westerly from the west side of Yonge Street and running from that point westerly one hundred feet, and having a uniform depth of one hundred and sixty-five feet and eleven inches.

(*h*) That freehold property of the said Company on the west side of Yonge Street, in the block between Davenport Road and Belmont Street, in said City, known as lot number four registered plan 270, having a frontage of ninety-seven feet six inches on Yonge street, and running back to a lane.

4. Rolling stock :—

(*a*) Cars—90 two-horse cars (closed) including the twelve original cars purchased by the company ; 56 open cars, 116 one-horse cars.

(*b*) Busses—56 busses (Stephenson N. Y. make); 43 other busses.

(*c*) Sleighs—40 car sleighs (Speight & Son, makers); 60 car sleighs (T. S. R. Co. make.)

5. Horses—The 1,372 horses belonging to the Company and referred to in schedules filed before arbitrators.

6. Harness, machinery in mill and miscellaneous chattels appearing in schedules filed before arbitrators, the value of which has been fixed by the parties of the reference at fifty-one thousand dollars, pursuant and subject to agreement between them appearing at page 68 of volume 7 of the short-hand reporter's notes of evidence taken before arbitrators, which value the arbitrators have adopted.

7. Tracks in company's buildings, the value of which has been agreed upon by the parties and adopted by the arbitrators.

8. Horse feed on hand valued at ten thousand dollars.

9. Chattels enumerated in exhibit 188 filed before us, the value of which has been agreed upon by the parties and adopted by the arbitrators.

(Signed) E. J. SENKLER,

(Signed) C. H. RITCHIE.

Witness :
J. F. MIDDLETON.

SCHEDULE

SCHEDULE A.

TORONTO STREET RAILWAY.

Length of Tracks in Operation. Length of Tracks Constructed but not in Operation. Length of Tracks to be constructed.

STREET.	FROM.	TO.	IN OPERATION		Con-struct'd not Opera'd Double.	TO BE CONSTRUCTED.	
			Single	Double.		Single.	Double
			feet	feet	feet	feet	feet
Front	Frederick	Simcoe	370	4,632	.....	.....	.....
King	Don	Roncesvalles.	.....	16,335	4,243	.....	4,300
Queen	Lee Ave	High Park	2,202	33,747	.....	.....	2,230
College	Yonge	Jamieson	.....	13,479	.....	.....	2,386
Carlton	"	Parliament	.....	4,036	.....	.....	.....
Gerrard	Greenwood	"	650	1,450	.....	650	8,686
Winchester	Sumach	"	1,454	.....	.....	.....	.....
Bloor	Sherbourne	Roncesvalles.	.....	.....	15,932	.....	4,700
Broadview	Queen	Danforth	.....	6,826	.....	.....	.....
Parliament	"	Winchester	301	3,504	.....	.....	.....
Elm Ave	Sherbourne	Glen Road	.....	.....	.....	2,900	.....
Sherbourne	King	North Drive.	.....	8,095	.....	.....	2,950
Frederick	"	Front	103	146	.....	.....	.....
George	"	"	.....	252	.....	.....	.....
Church	Front	Bloor	.....	8,532	.....	.....	.....
Yonge	"	C. P. Railway	148	12,764	.....	.....	.....
York	"	Queen	.....	2,144	.....	.....	.....
McCaul	College	"	.....	3,338	.....	.....	.....
Spadina	King	Bloor	113	7,930	.....	.....	.....
Bathurst	"	C. P. Railway	.....	11,302	.....	.....	.....
Strachan	"	Wellington	.....	394	.....	.....	.....
Dundas	Queen	Jamieson	1,029	5,843	.....	.....	.....
Dovercourt	College	C. P. Railway	.....	2,846	.....	3,300	.....
Dufferin and	Union	Bloor	.....	.....	.....	4,980	.....
		Feet	6,370	152,595	20,175	11,750	25,752
		Miles	1.20	28.90	3.82	2.22	4.88

SUMMARY.

Single tracks in operation	1.20	miles
Double tracks reduced to single in operation	57.80	"
Curves reduced to single in operation	1.36	"
Cross-overs in operation	0.71	"
		61.07 miles.
Double tracks reduced to single, constructed but not operated	7.64	"
Double tracks to be constructed (reduced to single)	9.76	"
Single tracks to be constructed	2.22	"
Grand total		80.69 miles.

SCHEDULE.

SCHEDULE A.—*Continued.*

DESCRIPTION OF TRACK, SHOWING DIFFERENT KINDS OF CONSTRUCTION LAID ON STREETS.

STREET.	30 lb. rail. 5" x 6" stringer. 4" x 6" tie.	30 lb. rail. 5" x 8" stringer. 4" x 6" tie.	25 lb. rail. 5" x 6" stringer. 4" x 6" tie.	25 lb. rail. 5" x 8" stringer. 4" x 6" tie.	22 lb. rail. 5" x 6" stringer. 4" x 6" tie.
	feet	feet	feet	feet	feet
Front	.....	8,111	1,311	.....	212
King	14,513	.....	5,199	.....	21,521
Queen	47,354	.....	32,343	.....	.....
College	8,933	13,472	4,555	.....	.....
Carlton	.....	8,072	.....	.....	.....
Gerrard	1,393	.....	2,157	.....	.....
Winchester	704	.....	750	.....	.....
Bloor	.....	31,864	.....	.....	.....
Broadview Ave	.....	13,652	.....	.....	.....
Parliament	4,658	.....	2.652	.....	.....
Sherbourne	.....	16,190	.....	.....	.....
Frederick	.....	.....	396	.....	.....
George	504	.....	.....	.....	.....
Church	.....	7,351	.....	9,713½	.....
Yonge	.....	7,321	9,325	9,030	.....
York	.....	4,288	.....	.....	.....
McCaul	.....	6,677	.....	.....	.....
Spadina Ave	.....	3,091	.....	12,883	.....
Bathurst	.....	22,605	.....	.....	.....
Strachan Ave	161	.....	628	.....	.....
Dundas	526	7,305	2,228	2,648	.....
Dovercourt	.....	5,692	.....	.....	.....
Single Track } Totals	70,260	134,477	61,554	34,274	21,733
Single Track } Miles	13.11	31.28	11.65	6.49	4.11

NOTE.—Gauge of tracks, 4 ft. 11 in.; devil's strip, 3 ft. Ties and stringers are of pine. The ties are spaced 5 feet between centres, and are 4 in. x 6 in. x 7 feet long. Stringers are spiked to ties with 9 in. x ½ in. spikes, one through each tie, and knees are placed on the outside of stringers only.

Joint knees weigh 5 lbs. each, and intermediate 2 lbs. 1 oz. each. there are 3½ miles of iron rails, the balance are of steel. All curves, switches and diamond crossings are of cast iron.

SCHEDULE A—*Continued.*

Road beds of the Toronto Street Railway, showing the number of miles of each kind of pavement for single and double tracks laid on streets.

NOTE—The width for single tracks is 8 ft. 4 in., and for double 16 ft. 8 in. Length of pavements on streets are in lineal feet.

Street.	Cedar and Cobble.	Cedar Block	Asphalt and Scoria Bl'ks	Sandstone Setts on Sand.	Scoria Blocks on Concrete.	Granite Setts on Concrete	Cobble with Stone Kerbs	Cobble.	Granite Setts on Sand.	Macadam M Gravel G.
	feet.	feet.	feet.	feet.	feet.	feet.	feet.	feet.	feet.	feet.
Front								(*s*) 370 (*d*) 2,115	(*d*) 2,319	
King	(*d*) 808	(*d*) 12,619			(*d*) 1,845			(*d*) 52	(*d*) 4,737	
Queen	(*d*) 8,010	(*s*) 2,090 (*d*) 22,910						(*d*) 3,850		(*d*) 4,049 G
College		(*d*) 6,755						(*d*) 6,735		
Carlton		(*d*) 4,054								
Gerrard										(*d*) 1,528 M (*s*) 650 M
Winchester										(*s*) 1,466 M
Bloor			(*d*) 2,462						(*d*) 11,615	
Broadview Ave		(*d*) 6,838								
Parliament		(*d*) 2,499						(*d*) 879		(*s*) 406
Sherbourne						(*d*) 8,107				
Frederick								(*s*) 115 (*d*) 158		
George								284		
Church				(*d*) 8,544						
Yonge		(*s*) 148 (*d*) 11,964							(*d*) 800	
York		(*d*) 2,168								
McCaul		(*d*) 3,362								
Spadina Ave		3,539					(*s*) 113 (*d*) 3,311		(*d*) 1,143	
Bathurst		3,625					(*d*) 3,132	(*d*) 175	(*d*) 3,291	
Strachan Ave										(*d* 406
Dundas		(*s*) 870 (*d*) 1,033					(*d*) 5,057			
Dovercourt Rd							(*d*) 2,798	(*s*) 3,300		
Total double track	8,818	81,006	2,642	8,544	1,845	8,107	14,298	15,248	23,901	(*d*) 1,934 M
Road bed, miles	1.67	15.39	0.50	1.61	0.35	1.53	2.71	2.89	4.53	0.36
Total single track		3,008					1.13	3,785		(*s*) 2,522 M 0.48
Road bed, miles		0.59					0.02	0.72		(*d*) 4,049 G 0.77

(*d*) Double track. (*s*) Single track.

TENDERS OF KIELY-EVERETT & MCKENZIE.

No. 1.

Annual Percentages of Gross Receipts.

1. Up to $1,000,000, 7 1-10 per cent.

2. From $1,000,000 to $1,500,000, 8 1-10 per cent.

3. From $1,500,000 to $2,000,000, 9 1-10 per cent.

4. From $2,000,000 to $2,500,000, 10 1-10 per cent., and advancing 1 per cent. on each additional $500,000.

5. If the City guarantee bonds at 4 per cent., 1 per cent. a year on the amount to be paid to the City for the guarantee.

No 2.

6. If class of tickets 8 for 25 cents struck out, an additional 2 per cent. per annum on gross receipts to be added to each of said annual percentages.

No. 3.

7. If paragraph 9 struck out, an annual payment of $136,000 if paragraph 9 and tickets 8 for 25 cents both struck out, an annual payment of $151,000.

(Signed) G. W. KIELY.
(Signed) WM. MCKENZIE.
(Signed) HENRY A. EVERETT.

Tender No. 1.

Of George W. Kiely, of Toronto, 580 Jarvis street; William McKenzie, of Toronto, 623 Sherbourne street, and Henry A. Everett, of Cleveland, Ohio, Secretary of East Cleveland Railway Company (Electric), for the privileges to be disposed of by the Corporation of the City of Toronto under the amended conditions for the privilege of operating surface street railways within the limits of the city of Toronto, as adopted by the City Council, May 5th, 1891.

We, the said George W. Kiely, William McKenzie, and Henry A. Everett, called purchasers under the said conditions, respectfully submit to the Corporation of the City of Toronto the following tender, based upon the said conditions (a copy of which is hereto annexed).

1. We offer to pay to the Corporation of the City of Toronto under section 9, 7 1-10 per cent. per annum of the gross receipts in addition to the other money provided for in said section.

2.

2. And we, the said purchasers, further offer that should the said gross receipts described as aforesaid be in excess of $1,000,000 and not greater than $1,500,000, then the purchasers will pay on any excess over $1,000,000, 8 1-10 per cent. per annum of said gross earnings to the said City of Toronto.

3. And we, the said purchasers, further offer that should the said gross receipts be in excess of $1,500,000 and not greater than $2,000,000, then the purchasers will pay on any excess over $1,500,000 9 1-10 per cent. per annum of said gross earnings to the said City of Toronto, and the further sum of 1 per cent. per annum upon each additional $500,000.

And we, the said purchasers, further offer that if the City of Toronto shall procure the necessary legislation to guarantee debentures bearing 4 per cent. interest proposed to be issued by said purchasers to an amount not to exceed in the aggregate the sum of $2,000,000, the said sum or any part thereof to be used solely for the purpose of equipping the street railroad with the improvements contemplated by the said specifications; we, the said purchasers, will pay to the City of Toronto, in addition to the sums hereinbefore enumerated, an additional sum of money equal in amount to 1 per cent. per annum on the amount of debentures issued by said purchasers and guaranteed in the manner hereinbefore provided.

This tender is made upon the faith that an electric railway system will be approved and confirmed under section 24 of the specifications, unless some new system shall in the meantime be devised for the operation of street railways which is not more expensive and is equally commercially successful with known electric system.

This tender is to apply to the purchasers or to any company incorporated by them for the purpose of carrying out this tender.

Respectfully submitted,

(Signed) G. W. KIELY.
(Signed) WM. MCKENZIE.
(Signed) HENRY A. EVERETT.

Dated at Toronto this 26th day of May, A.D. 1891.

Tender No. 2.

Of George W. Kiely, of Toronto, 580 Jarvis street; Wm. McKenzie, of Toronto, 623 Sherbourne street; and Henry A. Everett, of Cleveland, Ohio, Secretary of East Cleveland Railway Company (Electric), for the privileges to be disposed of by the Corporation of the City of Toronto under the amended conditions for the privilege of operating surface street railways within the limits of the City of Toronto, as adopted by the City Council, May 5th, 1891.

We, the said George W. Kiely, William McKenzie, and Henry A. Everett, called purchasers under the said conditions,

respectfully

respectfully submit to the Corporation of the City of Toronto the following alternative tender based upon the aforesaid specifications:

They repeat all the allegations of their tender No. 1, and make them a part hereof as fully as though they were herein written, but modified as follows, to wit:

That if the City of Toronto will eliminate from clause 31 of the specifications the words, "A class of tickets must be sold at the rate of eight for twenty-five cents, the same to be used only by passengers entering the cars between the time the day cars commence running and 8 a.m., and between 5 and 6.30 p.m.," the said purchasers offer to pay to the City of Toronto 2 per cent. of the gross receipts in addition to the percentages that they have offered to pay under their tender No. 1.

Respectfully submitted,

(Signed) G. W. KIELY.
(Signed) WM. MCKENZIE.
(Signed) HENRY A. EVERETT.

Dated at Toronto this 26th day of May, A.D. 1891.

Tender No. 3.

Of George W. Kiely, of Toronto, 580 Jarvis street; William McKenzie, of Toronto, 623 Sherbourne street; and Henry A. Everett, of Cleveland, Ohio, Secretary of the East Cleveland Railway Company (Electric), for the privileges to be disposed of by the Corporation of the City of Toronto under the amended conditions for the privilege of operating surface street railways within the limits of the City of Toronto, as adopted by the City Council, May 5th, 1891.

We, the said George W. Kiely, William McKenzie, and Henry A. Everett, called purchasers under the said conditions, respectfully submit the following alternative tender to the Corporation of the City of Toronto, based upon the said conditions (a copy of which is hereto annexed) subject to the following qualifications:

We hereby make our tender No. 1 a part hereof as fully as though herein written, except as to section No. 9 of the specifications, and that portion of section No. 31 providing for eight tickets for twenty-five cents.

We offer, in lieu of section No. 9 of the specifications, to pay to the City of Toronto during the period covered by the purchase, the sum of $136,000 per annum, payable in four equal quarterly payments.

And

And we further offer that if the said portion of section 31 providing for 8 tickets for 25 cents shall also be eliminated, we will pay to the City of Toronto during the period covered by the purchase, the sum of $151,000 per annum, payable in four equal quarterly payments, the said sum of $151,000 to be in lieu of section No. 9 and that portion of section No. 31 providing for 8 tickets for 25 cents.

Respectfully submitted,

(Signed) G. W. KIELY.
(Signed) WM. MCKENZIE.
(Signed) HENRY A. EVERETT.

Dated at Toronto this 26th day of May, A.D. 1891.

Amended Tender of Kiely, Everett and McKenzie for the Toronto Street Railway.

TORONTO, June 26th, 1891.

Alfred McDougall, Esq., Chairman of the Street Railway Committee, City.

DEAR SIR,—At the meeting of the Street Railway Committee on the evening of the 25th inst., our clients decided to withdraw all their tenders and to consider whether they would substitute a fresh tender in the direction of the claims made by the Mayor, and some of the aldermen, that the percentages should increase at a higher progressional ratio.

Our clients expected to have received their tenders and deposits this a.m., but we are informed by the Clerk and Treasurer that a formal resolution of the Council is necessary.

We enclose an amended tender which our clients have, after consideration, decided to make, and we confirm the former tenders, amended by the enclosed tender, in the rate of gross percentages, and we confirm the deposit of $30,000 as the deposit for security.

Yours respectfully,

(Signed) KINGSMILL, SYMONS, SAUNDERS & TORRANCE.

BAIN, LAIDLAW & CO.

TORONTO,

TORONTO, 25th June, 1891.

To the Corporation of the City of Toronto, and to Afred Mcdougall, Esq., Chairman of the Street Railway Committee:

We, George W. Kiely, William McKenzie, and Henry A Everett, offer to buy the privilege of operating surface street railways in the City of Toronto, on the basis of the amended conditions, and to pay the following rates of percentages of annual gross receipts, namely:

(1)	Up to $1,000,000.....	8 per cent.
(2)	From $1,000,000 to $1,500,000..	10 "
(3)	" $1,500,000 to $2,000,000..	12 "
(4)	" $2,000,000 to $3,000,000..	15 "
	All over $3,000,000.....	20 "

And we make this offer on condition that it shall be disposed of without any unnecessary delay.

Yours respectfully,

(Signed) G. W. KIELY.
WM. MCKENZIE.
H. A. EVERETT.

No. 2920. A BY-LAW.

To authorize a certain agreement between Messrs. Kiely, Everett and McKenzie and the City of Toronto for the lease of the Toronto Street Railway.

[Passed July 27th, 1891].

Whereas the Corporation of the City of Toronto has acquired the ownership of the railways of the Toronto Street Railway Company, and all the real and personal property in connection with the working thereof, and has asked, by public advertisement, for tenders from persons willing to acquire the said railways and the privileges of operating surface street railways in the City of Toronto.

And whereas George W. Kiely, William McKenzie and Henry A. Everett have tendered for the acquisition of such railways and the privilege of operating surface street railways, as shown by report No. 12 of the Street Railway Committee and appendices thereto, which report was adopted by Council on the 21st day of July, 1891, and it is advisable that the tender of the said Messrs. Kiely, McKenzie and Everett be accepted by the said Corporation.

Therefore

Therefore the Municipal Council of the Corporation of the City of Toronto enacts as follows:

I.

That the Mayor and City Treasurer be authorized and empowered to execute and affix the City seal on behalf of the City to an agreement between the Corporation of the City of Toronto and the said Messrs. Kiely, McKenzie and Everett, based on the specifications and conditions for the privilege of operating surface street railways within the City of Toronto, as adopted by the City Council, May 5th, 1891, and the said tender of the said Messrs. Kiely, McKenzie and Everett, as contained in the appendix to said report No. 12 of the said Street Railway Committee, provided that such agreement be drawn, settled and approved of by the City Solicitor and counsel learned in the law; and provided further that the date of execution of the contract shall be taken to be the date of acceptance of the tender for the purposes of the second paragraph of the said conditions, and provided further that no claims shall be made by Messrs. Kiely, Everett and McKenzie, or be allowed by this council for any depreciation of property during the time the City has charge of the said street railway.

I certify that I have examined this Bill and that it is correct.

E. F. CLARKE,
Mayor.

JOHN BLEVINS,
City Clerk.

Council Chamber, Toronto, July 27th, 1891.

G. W. KIELY.
WM. MCKENZIE.
By his Attorney.
NICOL KINGSMILL.

H. A. EVERETT.
C. C. WOODWORTH.

Witnesses:
THOMAS CASWELL.
GEO. KAPPELE.

Province of Ontario,
County of York,
To Wit:

I, George Kappele, of the City of Toronto, in the County of York, Esquire, make oath and say:—

1. That I was personally present and did see the foregoing Agreement and Award, Conditions, Tender and By-law attached thereto, duly signed, sealed and executed in triplicate by the within named George Washington Kiely; William McKenzie, by his attorney, Nicol Kingsmill, Henry Azariah Everett and Chauncey Clark Woodworth, four of the parties thereto.

2. That the said Agreement and Award, Conditions, Tender and By-law attached thereto in triplicate were executed at the City of Toronto aforesaid.

3.

3. That I know the said parties.

4. That I am a subscribing witness to the said Agreement and Award, Conditions, Tender and By-law attached thereto in triplicate, and that the name "Geo. Kappele" subscribed to the said Agreement and Award, Conditions, Tender and By-law attached thereto in triplicate, is in the proper handwriting of me this deponent.

Sworn before me at the City of Toronto, in the County of York, this First day of September, A.D., 1891.

GEO. KAPPELE.

C. R. W. BIGGAR,
A Commissioner for taking Affidavits, etc.

SCHEDULE B.

(*Section 6.*)

This agreement made this day of in the year of our Lord, one thousand eight hundred and ninety-two, between the Toronto Railway Company, hereinafter called "The Company" of the first part, the Corporation of the City of Toronto, hereinafter called "The Corporation" of the second part, and George Washington Kiely, William McKenzie, Henry Azariah Everett, and Chauncey Clark Woodworth, hereinafter called "The Purchasers" of the third part.

Whereas, by Indenture bearing date the first day of September, one thousand eight hundred and ninety-one, and forming schedule "A" to an Act passed in the 55th year of Her Majesty's reign, chapter 99, between the Corporation and "The Purchasers," the Corporation sold, granted and assigned to the Purchasers all the railways and properties acquired by the Corporation from the Toronto Street Railway Company, and certain exclusive rights, privileges and franchises in respect of the operation of surface street railways in the City of Toronto, which are in the said agreement more fully set forth.

And whereas, by the said agreement it was provided that if the Purchasers formed a joint stock company for the purpose of carrying the agreement into effect, then upon the conditions therein stated, the said Company contemplated to be formed should upon executing the necessary contract of substitution, be substituted for the said Purchasers; and clause twenty-three of the conditions attached to the said agreement should apply to such company so to be formed, and should cease to apply to the individual purchasers who should thenceforth be discharged from all individual liability under the said agreement and conditions.

 And

And whereas, the said Purchasers have formed a Company under the name of the Toronto Railway Company, in this agreement called "the Company," for the purpose of carrying the said agreement of the first day of September, one thousand eight hundred and ninety-one into effect, which Company is the party hereto of the first part.

And whereas, the said Purchasers have assigned to such Company all their right, title and interest under the said recited agreement.

And whereas, the Corporation has consented and agreed that the Company should be substituted as the party contracting and as the party to be and become liable to the Corporation in the place and stead of the Purchasers in the said agreement.

Now therefore these presents witness as follows:—The Company hereby covenants and agrees with the Corporation that the Company shall in respect to the said agreement of the first day of September, one thousand eight hundred and ninety-one, as and for and in the room and place of the Purchasers as contemplated by the twenty-third clause of the said agreement, assume, execute and perform all the covenants, agreements and obligations in the said agreement contained and on the part of the said Purchasers to be made, done, performed, fulfilled and kept, subject to the conditions, provisions and stipulations in the said agreement contained, and the Company shall and will in all respects be bound by the said agreement as fully and effectually as if it, the Company, instead of the Purchasers had been the party thereto of the second part.

And the Corporation on its part hereby covenants and agrees with the Company that it does hereby accept the said Company in lieu and in place of the said Purchasers, so that the Company shall have the same rights and privileges and generally be in the same plight and condition as regards such agreement as if the Company had been the party of the second part to such agreement instead of the Purchasers; and the Corporation will on its part execute and perform all the covenants, agreements and obligations in the said recited agreement contained with the Company in the same manner and as fully as if the covenants and agreements in the said agreement expressed or implied on the part of the Corporation with the Purchasers had been originally made with the Company.

And the Corporation hereby releases the Purchasers and each of them of and from all liability by them assumed or entered into in or by the said in part recited agreement of the first day of September, 1891, and from all contracts, covenants, agreements and obligations therein contained, and by them to be performed, fulfilled, or kept.

CHAPTER

CHAPTER 100.

An Act respecting the Kingston Light, Heat and Power Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the Kingston Light, Heat and Power Company, hereinafter called "the company" has under the authority created by the Act passed in the 54th year of Her Majesty's reign, chaptered 107, intituled *An Act respecting the City of Kingston Gas Light Company, and the Kingston Electric Light Company* increased its capital stock to the sum of $200,000; and whereas the company acquired by the said Act power to issue debentures for the purposes therein mentioned; and whereas the shareholders desire that power should be given to the company to issue bonds or debentures to be applied to the redemption or purchase of the said capital stock to the extent of $100,000 thereof; and whereas the company is desirous of acquiring authority to buy and sell fuel of all descriptions and gas and electric light fittings; and whereas the company have by their petition prayed that the powers above referred to shall be conferred upon them; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for redemption of capital stock.

1. In case a by-law authorizing the same is sanctioned by a vote of not less than one-half in value of the shareholders of the company at a general meeting of the shareholders duly called to consider the by-law, the directors of the company may issue bonds or debentures of the nature and description mentioned in sections 6 and 7 of the Act passed in the 54th year of Her Majesty's reign, chaptered 107, except as to the amount thereof, for the purpose of redeeming the capital stock of the said company to the extent necessary to reduce the same to the sum of $100,000.

Payment of debentures and interest.

2. The said bonds or debentures shall be payable at such times and shall bear such rate of interest as the said directors shall determine.

Amount of debenture to be equal to one share.

3. Each of the debentures so issued shall be for an amount equal to the nominal value of each share of the stock of the company.

4.

Substitution of debentures for stock held by shareholders.

4. Each shareholder of the company shall be entitled to and shall be compellable to receive or accept one of the said bonds or debentures in exchange for one share of the stock of the company held by him to the extent of one-half of the shares held by him, and on the transfer to him of such debentures the shares held by him shall to the extent of the number of debentures allotted to him become cancelled.

Where shareholders hold uneven number of shares.

5. In the event of any shareholder possessing an uneven number of shares at the time of the allotment of the said debentures it shall be determined by the directors by lot which of such shareholders shall surrender, and which retain their shares, regard being had to the total amount of debentures to be allotted.

Renewal of debentures.

6. The directors of the company shall have power to renew the said bonds or debentures from time to time as they become due in pursuance of any by-law or by-laws in that behalf duly sanctioned by a majority in value of the shareholders.

Power to buy and sell fuel, etc.

7. The company shall have power to buy and sell fuel of all kinds, and gas and electric or other light fittings.

CHAPTER 101.

An Act to amend the Act to incorporate the Mercantile Fire Insurance Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the Mercantile Fire Insurance Company have by their petition prayed that their act of incorporation may be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

37 V. c. 87 s. 7, amended.

1. Section 7 of the said Act passed in the 37th year of Her Majesty's reign, chaptered 87, entitled *An Act to incorporate the Mercantile Fire Insurance Company* is hereby amended by striking out the words "provided always that all such risks insured against shall be within the Province of Ontario," at the end of the said section.

2.

2. Section 19 of the said Act is repealed, and the following section substituted therefor:— 37 V. c. 87, s. 19, repealed.

19. All policies, deeds, mortgages, leases, bonds or other instruments, issued, made or entered into by the company, shall be signed by the president or vice-president and countersigned by the secretary, or by such other person as may from time to time be authorized for that purpose by the board of directors and being so signed and countersigned and sealed with the corporate seal shall be binding upon the company. Signing and sealing policies, etc.

3. Section 8 of the said Act is amended by striking out the words "the stocks of any of the banks, building societies, or other chartered companies of the Dominion" in the 16th and 17th lines of the said section and inserting in lieu thereof the words "any of the securities authorized by "*The Ontario Insurance Act.*" 37 V. c. 87, s. 8, amended.

4. Sections 27 and 28 of the said *Act to incorporate the Mercantile Fire Insurance Company* are repealed. 37 V. c. 87, ss. 27 and 28, repealed.

CHAPTER 102.

An Act to incorporate The Peoples' Life Insurance Company.

[*Assented to 14th April, 1892.*

Preamble. WHEREAS Frank Turner, Esq., John Flett, Esq., Alfred Baker, M.A., Frederick Crompton, Esq., William H. Hunter B.A., W. Beattie Nesbitt, M.D. and Simeon H. Janes, Esquire, all of the city of Toronto, in the county of York, have by their petition prayed for the incorporation of a company in the name, style and title of the "People's Life Insurance Company," for the purpose of carrying on a general life and accident business on the mutual principle; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The petitioners hereinbefore named, together with such other persons as now are or shall hereafter become members of the said company, shall be and are hereby constituted a body corporate under the name of "The People's Life Insurance Company," hereinafter called "the company." Incorporation

2.

General powers of company.

2. The company, subject to the provisions of this Act, may transact the business of general life and accident insurance in all its branches.

Head office.

3. The head office of the company shall be in the city of Toronto, in the county of York.

Who may be members.

4. Each person who holds in his own right one or more debentures of the company, and every policy holder in the company shall be a member of the company.

Voters at annual meeting.

5.—(1) Each holder of one or more debentures of the company in his own right, shall be entitled, at all meetings of the company, to one vote for every $100 of the debentures of the company held by him as aforesaid.

(2) Each policy holder of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount of his insurance according to the following rates, that is to say: For $500 one vote; from $500 to $2,000 two votes, and one vote for every additional $2,000; but no member shall be entitled to vote while in arrear for any premium due by him to the company.

Provisional directors.

6. The petitioners hereinbefore named shall be directors of the company, and, together with three others to be nominated by the said directors, shall constitute the first or provisional board of directors of the company and shall hold office until their successors are appointed. One-third of the said directors shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two, or three years respectively, and the determination shall be entered upon record as part of the minutes of said first meeting.

Election of directors.

7. At every annual meeting of the company thereafter an election shall be held to fill, for a period of three years, the places of the retiring members who shall be eligible for re-election; and the first annual meeting of the company shall be held within one year from the passing of this Act.

Mode of election.

8. The election of directors shall be by ballot, and shall be held and made by such members of the company as attend for that purpose in person, or who are represented by proxy.

Qualification of directors.

9. To be eligible as a director of the company, the proposed director shall be a member of the company, and either shall be insured therein for the time he holds office in a sum not less than $3,000, or shall hold bona fide in his own right debentures of the company to the amount of $1,200.

Directors, powers and duties of.

10. The board of directors may from time to time appoint a manager, secretary, treasurer, and a chief medical referee, which last mentioned officer may, by by-law, be appointed by the board a director of the company *ex-officio*, and such other officers, agents, or assistants as to them seem necessary, and may prescribe their duties, fix their compensation or allowances, take security for the faithful performance of their respective duties, and remove them and appoint others instead; and the board may pay out of the general funds of the company the expenses of and incidental to the incorporation of the company; the board may also adopt a table of rates and premiums, and vary such table from time to time, and determine the amount of the contract to be undertaken; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company, and they shall keep a record of their proceedings.

By-laws.

11.—(1) The board may from time to time make and prescribe such by-laws as to them appear needful and proper respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed.

(2) There shall be filed with the inspector of insurance, copies of all by-laws that may from time to time be passed by the board.

Power to issue debentures.

12. The board may issue debentures, to any amount not exceeding in the whole the sum of $20,000 transferable only on the books of the company, in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures for any term not exceeding five years, and on such conditions as they think proper, and may renew the same from time to time, the whole of the assets of the company being held liable to pay the same at maturity, but no such debenture shall be for a less sum than $100.

Government deposit.

13.—(1) The initial deposit to be made by the company with the department of insurance, before the original issue of a license to transact business in the Province of Ontario, shall be the sum of $10,000 in cash or in any stock debenture or other securities in which trustees may invest trust money;

(2) Before the annual renewal of the license, the amount of the company's deposit shall, on or before the first day of July

in

in each year, be readjusted as follows:—If on the preceding thirty-first day of December in any year the company's total contingent liability or amount at risk exceeds $1,000,000, then for each additional $1,000,000 or fraction thereof, the company shall keep on deposit with the department of insurance, by way of additional security, the sum of $5,000, and the additional deposit shall be either in cash or securities as aforesaid.

Contracts of the company.

14. The contracts of the company shall be subject to any general statute of the Province heretofore passed or from time to time enacted, in respect of contracts of life or accident insurance.

Inspection under Rev. Stat. c. 167.

15. The company shall be subject to inspection as provided by *The Ontario Insurance Act.*

Provisions of Rev. Stat., c. 167, incorporated.

16.—(1) Sections 20, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 57, 58, 59, 60, 61, 63, 67, 68, 69, 70, 71, 73, 75, 83, 84, 85, 86, 87, 91, 92, 93, 95, 97, 98, 100, 101, 102, 103 and 104 of *The Ontario Insurance Act* shall apply to the company hereby incorporated as if the said sections had been specially set out in this Act, and as if the said company had been specially named in the said sections, and as if the words "Peoples' Life Insurance Company" had been inserted in the said sections instead of the words "Mutual or Cash Mutual Fire Insurance Company," wherever the same are found therein.

Proviso.

(2) Provided that for the purposes of this Act only, in the said section 36 and 84 the words "section 9 of the Act to incorporate the Peoples' Life Insurance Company" shall be substituted for the words "section 74," or "section 74 of this Act," wherever the same are found therein.

Proviso.

(3) Provided also that, for the purposes of this Act only, the words following shall be added to the said section 31, "and where such member is not in arrears in respect of such shares, he shall be entitled to one vote for each such share."

CHAPTER

CHAPTER 103.

An Act to incorporate The Toronto and Ashbridge's Bay Improvement Company.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS it is desirable and necessary that the marsh lands and Ashbridge's bay in the city of Toronto should be reclaimed and improved for sanitary purposes; and whereas Robert Alexander of the city of New York, in the State of New York, one of the United States of America, contractor; L. H. Stevens, of the same place, contractor; George Christall, of the same place, merchant; Jesse H. Farwell, of the city of Detroit, in the State of Michigan, one of the United States of America, capitalist; Melville Fitch Brown, of the city of Toronto, coal merchant, and James Frederick Coleman, of the same place, lumber merchant, have prayed that a company may be incorporated for the purpose of draining, reclaiming and otherwise improving and making fit for use and occupation the marsh lands and lands covered with water situate in the south-easterly portion of the city of Toronto, known as the marsh and Ashbridge's bay, and abating the nuisance now existing in connection with said lands, and also for the purpose of constructing a canal for purposes of navigation along or near the northerly limit of said marsh lands and Ashbridge's bay from a point at or near Parliament street produced southerly, easterly, and southerly to a point on lake Ontario opposite to or below the Woodbine race-course, together with certain jetties, piers, wharves, docks, crib-work, piling, and other protective works, and certain harbours, basins, channels, water-ways, slips, and other improvements shown on plans produced, and that the said company may be empowered to acquire and take such marsh lands and lands covered with water as may be necessary for the purpose of enabling them to construct said canal, abate such nuisance, and carry out such reclamation and improvements, and that all lands so necessary, required, acquired and taken, may be vested in the said company, subject to such conditions and provisions as are hereinafter enacted; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company incorporated.

1. Robert Alexander, of the city of New York, in the State of New York, one of the United States of America, contractor; L. H. Stevens, of the same place, contractor; George Christall,

of

of the same place, merchant; Jesse H. Farwell, of the city of Detroit, in the State of Michigan, one of the United States of America, capitalist; Melville Fitch Brown, of the city of Toronto, coal merchant, and James Frederick Coleman, of the same place, lumber merchant, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Toronto and Ashbridge's Bay Improvement Company."

Objects of incorporation.

2. Subject as hereinafter provided, the company shall have power, and may construct a channel 300 feet wide and 15 feet deep suitable for purposes of navigation, from a point at or near the line of Parliament street continued southerly into Toronto bay, easterly and southerly on a line along or near the northerly limit of the lands and lands covered with water known as the marsh and Ashbridge's bay, to such point in lake Ontario opposite to or below the Woodbine race-course, as may be found most suitable and convenient for the purposes of the company; also such other channels, water-ways, slips, harbors and bays to the south of the said channel, as may be found practicable and necessary for the reclamation and improvement of the said marsh and Ashbridge's bay, and fitting the same for use and occupation; also to construct and maintain all such jetties, piers, wharves, docks, tramways, railways and switches, warehouses, storehouses, crib-works piling, and all such protective and other works as may be found suitable and necessary for the purposes of the company in connection with the said channel, harbor works and other improvements, and the utilization of the said lands, and lands covered with water; also to construct, erect, build and maintain all such bridges, and approaches thereto, and other works as may be proper and necessary to give access to the reclaimed lands which will lie to the south of the said channel from the lands situate on the north side thereof, and generally to construct all works, and do all things necessary and proper for the abatement of the nuisance now existing in connection with the lands and lands covered with water known as the marsh and Ashbridge's bay, and for the reclamation and utilization thereof to the best advantage, but nothing in this Act contained shall be construed to entitle the company to charge, and the company shall not charge any harbor fees or dues as distinguished from pier or wharfage fees or dues against any description of steam or sailing vessels or craft using the said channel, harbor or water-ways and entrance piers, but not using any pier or wharf being the property of the company, all such channels, harbors or water-ways being subject to the control of the city and of the harbor commissioners thereof in like manner as the present harbor of Toronto is.

Powers of company.

3. The company shall have further power and authority subject to the other provisions of this Act.

(1) To enter, and may at any time enter, with their engineers, surveyors, servants or agents upon the land of any person or corporation lying south of Queen street, and east of the line of Parliament street, and the line thereof produced southerly across Toronto bay, for the purpose of making all necessary surveys and taking all necessary levels, and doing all other things necessary and proper to enable them to locate the said channel, channels, slips, water-ways, basins, harbors and other improvements, and to determine upon the most feasible plan of draining, improving, reclaiming and utilizing the said lands and lands covered with water, known as the marsh and Ashbridge's bay, and securing the sanitary condition of the neighbourhood. To enter upon lands.

(2) To acquire and hold by purchase, gift, lease, exchange or otherwise by any legal or equitable title such of the lands and lands covered with water known as the marsh lands and Ashbridge's Bay, as they may see fit, and as it may be necessary to improve in order to remove the nuisance now existing in Ashbridge's bay; and also all such other lands, houses, buildings, tenements, erections and premises in the city of Toronto as they may require in connection with the prosecution of their works, or otherwise, for the purposes of the company, and when acquired by the company, to sell, convey, exchange and dispose of the same, or any part thereof, and to mortgage and charge with a lien the same, or any part thereof, and to lease the same, or any part thereof, as they may see fit. To acquire lands by grants, etc.

(3) To enter upon, take, use and acquire all lands, and lands covered with water lying between the line of Parliament street produced southerly across Toronto bay and the eastern terminus of the proposed channel, required for the purposes of the construction of said channel and the other works connected therewith as laid out on a map or plan prepared, or to be prepared by the company, and adopted or to be adopted, by the council of the corporation of the city of Toronto, shewing the works and improvements required for the purpose of constructing said channel and reclaiming the said marsh lands and Ashbridge 's bay, and dredging out or filling in, and otherwise improving the same, and fitting said lands for such uses and purposes as the company may see fit. Expropriate certain lands

(4) To enter upon, take and appropriate for the use of the company any lands of the Crown subject to the approval of the Commissioner of Crown Lands of the Province of Ontario, required for the construction of said channel and the works connected therewith that have not been already granted or sold, and also so much of the public beach, or of the lands covered with the waters of the bay or lake as may be so required and shewn on the said plan. To enter upon and take Crown lands.

(5) To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake To contract for construction of works.

take the same for the purpose of constructing the said channel and the other works and improvements contemplated by the company, and for the use or occupation thereof after the same shall have been constructed.

To contract for purchase of lands.

(6) To contract with the owners and occupiers of the lands, and lands covered with water which the said company is hereby authorized to take, and those having an interest in or right to use the same for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the company in connection with the works and improvements contemplated by this Act.

Arbitration in case of disagreement.

(7) In case of any disagreement between the company and the owners and occupiers of, or other persons interested in any lands required, entered upon, taken or used by the company in the exercise of any of the powers conferred upon it by this Act, or injuriously affected by the exercise of said powers as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration under the provisions of *The Municipal Act* and amendments thereto in that behalf. Provided, however, that in case of such disagreement before entering upon, taking or using any of such lands, except for the purpose only of making surveys and plans, the company shall pay into court to the credit of the matter as security for the compensation that may be awarded, such sum as may be certified by an engineer to be appointed by a judge of the high court of justice, on application made for that purpose.

Rev. Stat. c. 184.

To construct crib work and piling.

(8) To construct all such crib and other works, and do all such piling, filling and other work as may be necessary for the construction of the Don river improvement southerly to connect the same with the proposed channel and to reclaim the marsh lands lying north of the said channel upon such terms and conditions, and at such prices as may be agreed upon between the company and the corporation of the city of Toronto.

Works to be constructed under supervision of commissioner

4. The plans for the said works and improvements shall be approved of, and the whole of the said works and improvements shall he carried out under the direction, and with the approval of a commission, consisting of three persons, one of whom shall be appointed by the corporation of the city of Toronto, who shall be a competent civil engineer, one by the Government of the Province of Ontario and the third by the company, and in case of a difference of opinion arising at any time between the said commissioners in respect to any matter or thing connected with said plans, profiles, specifications, works or improvements, the decision of a majority of them shall be binding upon the company, and all other persons and corporations interested. Provided, how-

ever,

ever, that such approval or decision of the said commissioners shall not in any way interfere with the rights of the owners and occupiers of or other persons interested in the said lands to recover the compensation provided for by this Act.

Plans and specifications to be submitted.

5. The company shall, before commencing the said works and improvements, under the provisions of this Act, cause proper plans and surveys to be made, and proper plans, profiles, drawings and specifications of the work to be done, and improvements to be made, to be prepared and submit the same for the approval of the said commissioners.

Approval by city and Provincial and Dominion Governments.

6. The company shall not enter upon any part of the said marsh lands or Ashbridge's bay for any other purpose except for the purposes of making surveys, or taking levels and preparing plans, etc., or commence the said works, or any part thereof, unless and until it shall have first agreed with the corporation of the city of Toronto and the Ontario Government for the acquisition of the lands and lands covered with water, comprised in those certain letters patent from Her Majesty to the corporation of the city of Toronto, bearing date the eighteenth day of May, A.D. 1880, and seventeenth day of April, A.D. 1882, respectively and shall have duly entered into an agreement with the city for the carrying out of the work contemplated by this Act, and shall have procured the approval of the plans, profiles, drawings and specifications of the said proposed works and improvements by the said commissioners, or by a majority of them, and shall have also procured the consent of the Minister of Public Works of the Government of Canada in so far as the said works affect the interests of the said Government of Canada.

Commencement and completion of work.

7. The work contemplated by this Act, and to be approved of as aforesaid, and to be covered by the agreement to be entered into between the city and the company shall be begun forthwith after the plans thereof shall have been duly approved, and the same shall be carried on with reasonable despatch until the completion there of. Within three years from the date of the agreement between the company and the said city the contemplated channel, one of the subjects of the said agreement, from Parliament street continuously eastward into the lake with a depth of fifteen feet, and a width of one hundred feet, including the necessary filling in, piling and embankment to the north for the whole of the said length, making a continuous channel from the waters of the lake to the east into the bay to the west at Parliament street, shall be completed by the company. The whole of the work contemplated by this Act shall be completed within the period of ten years from the date of such approval.

8.

Engineer to apportion costs of work on north side of canal.

8. The cost of all the work which is done by the company under the said agreement on the lands and lands covered with water on the north side of the channel including the crib work, piling, filling and superstructure forming the bulkhead or breastwork necessary to form and retain the north side of the said channel and adjoining lands not acquired by the company, shall be chargeable upon all those portions of the said lands reclaimed by the said company, and upon all of the lands north of the said channel and immediately adjoining thereto to a depth of 150 feet from the north side of the said channel, although the same be not wholly reclaimed lands payable as is hereinafter provided, and upon a certificate of the amount due in respect of such work and improvements being registered, as hereinafter provided, the same shall form a first lien, charge and incumbrance on the lands so made chargeable by this section, until the same be paid, and any such lien and charge may be enforced, realized and collected out of the said lands in any court of competent jurisdiction in the same manner and with the like remedies as an ordinary first mortgage incumbrance upon lands, save only the company shall not have the right to a personal order for payment of the amount charged against the owner or person interested in the said lands by virtue of such incumbrance.

Procedure where property owner disputes amount chargeable.

9. When the company shall have completed the portion of the work in the next preceding paragraph described according to the said plans, profiles, drawings and specifications, an engineer to be appointed by the commissioners for that purpose, who shall be in no way connected with or interested in the company, shall by an instrument under his hand and seal declare the amount with which the land of each owner or person interested therein is chargeable in favour of the said company in respect of the said work, a copy of which instrument shall be served upon each owner or person interested, or sent to his address by a letter duly registered as a registered letter, if his address be known, and in ascertaining each such amount the said engineer shall have regard to the said contract or agreement so to be made between the company and the city.

Property owners to pay for improvements on north side of canal.

10. If such owner or person interested in property shall within three months after such service leave with or send by registered letter to the manager of the company or person acting as such at his office in the city of Toronto a notice in writing that he is dissatisfied with the amount declared by the said engineer as the sum payable in respect of the said work, the proper amount to be charged shall be determined by arbitration under the provisions of *The Municipal Act* and amending Acts in that behalf, and the award or determination of such arbitrator shall be final as to the amount chargeable on the said lands respectively, for such improve-

ment,

ment, but if such owner or person interested shall not leave such notice as aforesaid with, or send the same to the said manager, or person acting as such, within three months as aforesaid, then the certificate of the said engineer shall be conclusive as to the amount of such charge, provided always that if such owner or person interested be an infant or *noncompos mentis*, or under any disability to act for himself or be absent from the Province, or unknown, and there be no person in this Province known to be legally authorized to act for him in the matter, upon and to whom a copy of the instrument made as aforesaid by the said engineer can be served or sent, then the judge of the county court of the county of York, on the application of the company, and on being satisfied by affidavit of such fact, shall examine the said instrument, and if he deems it necessary may call such evidence as he thinks proper to enable him to determine the proper amount chargeable against such property, and the award of the said judge shall be conclusive as to the amount chargeable and to be charged as aforesaid. When the amount to be charged as aforesaid shall have been conclusively ascertained by the certificate of the said engineer, or the award of the arbitrator as hereinbefore provided, then a copy of such certificate or award, as the case may be, may be registered in the registry office for the city of Toronto, and being so registered, the sum therein mentioned, together with interest thereon from the date thereof shall thereafter be a first lien and charge upon the lands in respect of which it is payable, and the company may, subject as hereinafter provided, realize the same in manner provided by section 7 of this Act, provided, however, that the payment of the amount of the lien and charge named in any certificate, which amount shall be regarded as principal moneys, and bear interest from the date of the certificate, shall not be enforcable until the end or expiration of ten years from the date of such certificate, upon the owner or other person or persons interested in the lands charged paying all taxes and special rates which may be rated and imposed upon the said lands, and paying to the company interest upon the principal moneys remaining from time to time unpaid, half yearly on the first days of January and July in each year, but in default of payment of any such rates or taxes for one year, or any interest for three months after the same shall respectively become due and payable, then and in every such case the whole amount of any such lien and charge unpaid, and all interest shall immediately become due and payable in like manner as a first mortgage debt, and the company shall have the right to enforce the payment of such lien and charge, together with all accrued interest and cost of collection by foreclosure or sale of the lands as in the case of a first mortgage, as provided in section 7 of this Act.

Registration of certificate or award.

11. The certificate or award hereinbefore mentioned, signed by the said engineer, or by the arbitrator, shall be rgistered in the

the registry office of the city of Toronto by depositing therein a notarial copy without any further evidence of the execution of the said instrument or award; but there shall be produced to the registrar at the same time the original certificate of the said engineer, and the original award of the arbitrator, as the case may be, and for filing and registering such instrument or award for each lot or parcel of land, and for a certificate thereof, such registrar shall receive the sum of seventy-five cents and no more.

Exemption of reclaimed lands from taxation.

12. The council of the corporation of the city of Toronto may by by-law, exempt all of the said marsh lands and land covered by the waters of Ashbridge's bay reclaimed by the company under the provisions of this Act, whether the same shall belong to, or be the property of the company, or any other person or corporation, from all assessments and taxation, except local special rates for local improvements made under the provisions of *The Municipal Act* and amending Acts, until the same shall be used for commercial or manufacturing purposes, but in no case for a period exceeding ten years from the date of the contract and agreement with the corporation of the city of Toronto contemplated by section 6 of this Act, and all channels, slips, bays, harbors and water-ways which shall be formed; all crib work, piling and superstructure forming any breastwork or bulkhead, or other protective works, and all jetties and bridges, and other like works which shall be constructed by the company shall be exempt from all assessments and taxation so long as the same are kept in good order and repair without cost or expense to the corporation of the city of Toronto.

Right to take gravel, earth or sand.

13. For the purposes of construction only the company shall have the right to search for and take such gravel, earth, sand and other like material as shall be necessary for the filling in and reclamation of the said marsh land and Ashbridge's bay, and carrying out the improvements contemplated by this Act, and for such purposes only to construct, maintain and operate such tramways, railways, switches and other works as may be necessary to convey the said material from the place or places where the same may be found to the place or places where the same may be required to be used; provided, however, that no such railway or tramway shall exceed five miles in length, and that due and proper compensation shall be made to the owners of or persons otherwise interested in the same, for all lands and material taken, as well as for damage done, the amount of such compensation if not otherwise agreed upon, to be settled by arbitration, under the provisions of *The Municipal Act* and amending Acts in that behalf, and provided also that in case of disagreement between the company and the persons owning or interested in the said lands and material as to the amount to be paid therefor, or as to the amount of

compensation

compensation to be made by the company before entering upon, taking and using any of such land or material except for the purposes only of making surveys and plans, the company shall pay into court to the credit of the matter as security for the amount or amounts that may be awarded, such sum as may be certified by an engineer to be appointed by a judge of the high court of justice on application made for that purpose.

Company and city empowered to make necessary contract.

14. The said company on the one part, and the council of the corporation of the city of Toronto on the other, may enter into and carry into effect any and all such agreements, and may make, and execute all such leases, transfers, conveyances and releases of land and lands covered with water, which the said corporation may own or be interested in, as may be necessary for the purposes of carrying out the works and improvements contemplated by this Act, subject to the approval and consent of the Lieutenant-Governor of Ontario in Council first being had thereto and subject to the other provisions of this Act.

By-laws for paying for the city's share of cost.

15. The council of the corporation of the city of Toronto may pass by-laws from time to time, as occasion may require, without obtaining the assent of the electors thereto otherwise than hereinafter provided before the final passing thereof for borrowing money by the issue of Toronto general consolidated debentures on the credit of the city at large for paying the city's share of the cost of the said improvements and works, including the cost of the extension of the Don river improvement southerly from the Grand Trunk Railway bridge to intersect and connect with the said channel and other works and improvements.

Application of provisions of Rev. Stat. cc. 156, 161.

16. *The Ontario Joint Stock Companies General Clauses Act*, (except section 10 thereof) and sections 23, 24, and 25 of *The Act Respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours*, shall in so far only as they are not inconsistent with or repugnant to any of the provisions of this Act, be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company and the works and improvements contemplated by this Act, but nothing herein contained shall be construed so as to give the company any right to charge harbor dues as distinguished from pier or wharfage fees or dues for vessels lying at their piers or wharves.

Head office.

17. The head office of the said company shall be at the city of Toronto.

Provisional directors.

18. From and after the passing of this Act the said Robert Alexander, L. H. Stevens, George Christall, Jesse H. Farwell, Melville Fitch Brown, and James Frederick Coleman,

shall be the provisional directors of the company, and such provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land, and the construction and carrying out of the said improvements and works, and and with all such other powers as are under the Act above referred to vested in such directors.

apital stock.

19. The capital stock of the company hereby incorporated shall be the sum of $2,000,000, divided into shares of $100 each, and which said capital stock may from time to time be increased as the company may require, by a vote of the majority of the shareholders called for that purpose as the by-laws may direct, to an amount not exceeding $3,000,000 in the whole, and shall be raised by the persons and corporations who become shareholders in such company, and the moneys so raised shall be applied in the first place to the payment and and discharge of all fees, expenses and disbursements of and and incidental to the passing of this Act, and for making surveys, plans and estimates connected with the works hereby authorized, and securing the contracts and agreements therefor, and the remainder of said moneys shall be applied in the construction and carrying out of the works and improvements herein authorized, and for the other purposes contemplated by this Act.

Rights of aliens.

20. Aliens as well as British subjects, whether resident in Canada or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company.

Allowance of stock.

21. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, and if at any time more than the whole stock shall have been subscribed the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Payment of instalment upon subscription.

22. On the subscription for shares of the said capital stock each subscriber shall forthwith pay to the directors for the purposes set out in this Act ten per centum of the amount subscribed by him, and the said directors shall deposit the same

in

in some chartered bank of the Dominion having an office in the city of Toronto, to the credit of the said company.

First general meeting.

23. When and as soon as shares to the amount of $500,000 of the capital stock of the company shall have been subscribed, and $100,000 paid thereon into some chartered bank of the Dominion having an office in the city of Toronto, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the work of construction or other legitimate purposes of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one newspaper published in the city of Toronto, of the time and place and purpose of such meeting.

Election of directors.

24. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of their shares shall elect not less than five, or more than nine persons to be directors of the said company in manner, and qualified as hereinafter described, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting, and until their successors are elected, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the Acts above referred to as incorporated herewith.

Qualification of directors.

25. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided, however that no person shall be elected a director unless he shall be the holder and owner of at least twenty shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls.

26. The directors may, from time to time, make calls as they shall think fit, provided no calls shall be made at any one time for more than twenty per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each such call, as provided by section 23 of this Act.

Annual meetings.

27. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said city of Toronto, or in such other place and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of Toronto during the four weeks preceeding the week in which such meeting is to be held.

28.

Special general meetings.

28. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Power to receive payment of shares in advance.

29. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance, as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum as the shareholder paying such sum in advance and the directors shall agree upon.

Form of conveyance to company.

30. Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Certain payments may be made in stock or bonds.

31. As soon as the $500,000 of stock shall have been duly subscribed, and the said sum of $100,000 shall have been duly paid thereon, and the directors shall have been duly elected, the said directors may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient to engineers and contractors, or for lands, material or plant, and also, when sanctioned by a vote of the shareholders at any general meeting, for services rendered or for the purchase or lease of lands, material or plant, and any agreement so made shall be binding on the said company.

City may exempt property of company from taxation.

32. It shall be lawful for the council of the corporation of the city of Toronto by by-laws specially passed for that purpose to exempt the said company and its property within the city of Toronto, either in whole or in part, from municipal assessments or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may

deem

deem expedient, not exceeding 21 years, and no such by-law shall be repealed unless in conformity with a condition therein contained.

Power to acquire whole lots in certain cases.

33. Whenever it shall be necessary for the purpose of procuring sufficient land for the purpose of the said company, and in case by purchasing the whole of any lot or parcel of land, a part only of which is actually required, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the portion only actually required, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their works and improvements, and may sell and convey the same or any part thereof from time to time as they may deem expedient.

Power to become parties to negotiable instruments.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note may be endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company ; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange ; nor shall the president, or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction or authority, either general or special of the board of Directors, as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Bonding powers.

35. Subject as hereinafter provided, the directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds outstanding and unredeemed at any one time shall not exceed in the whole the sum of $3,000,000, provided, that no such bonds shall be executed until after this Act shall have come into force pursuant to the proclamation of the Lieutenant-Governor of the Province of Ontario, as hereinafter provided, and no bond shall be issued for a term extending beyond the period for which the lands mentioned in the sixth section hereof are leased or granted by the corporation of the city of Toronto to the said company, and that the whole of the said bonds when executed shall be at once placed in a Bank Trust

Company,

Company, or Safe Deposit Company, in the city of Toronto, to be by the said bank or company held, and only delivered out to the said company from time to time on the certificate of the said commissioners, which certificate shall be given by the said commissioners to the company to the extent only of the work done under the said agreement, or of the value of the lands purchased or material or plant supplied until the completion of the said works, when the balance of the said bonds shall forthwith be handed over to the said company. Provided that such plant and material when procured and placed on or in the said works, shall be and become when so placed the property of the said comissioners until the said work is completed according to the plans, profiles and specifications to be certified by the said engineer ; and the provisions of the sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by the Act passed in the 53rd year of the reign of Her Majesty, chapter 45, shall, in so far as applicable, apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of said sub-sections, which shall, in so far as they are not inconsistent with or repugnant to any of the provisions of this Act, be incorporated with and be deemed to be a part of this Act, and shall apply to all bonds to be issued by the said company as though the same were enacted herein.

Rev. Stat. c. 170.

Power to mortgage or pledge bonds.

36. The said company hereby incorporated, may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said improvements, works and undertaking, or otherwise

City not to be liable for acts of Company.

37. No person shall have any claim, demand, or right of action against the corporation of the city of Toronto by reason of anything done or omitted to be done by the company or the commissioners, or by any servant or agent of or any contractor with them or any of them in regard to any matter in this Act mentioned.

Submission of question to ratepayers.

38. Within three months after the said agreement shall have been duly executed by the said city it shall be by the city submitted to the ratepayers thereof entitled to vote on by-laws creating debts, and voting upon said question in the manner provided for in section 293 and the following sections of *The Municipal Act*; and unless the said Act and agreement shall receive the assent of the majority of the ratepayers voting thereon, the same shall not go into effect, but if they do receive the assent of the majority of the ratepayers voting thereon, then the Act shall go into force on the day to be thereafter named by the Lieutenant-Governor by his proclamation, published in the *Ontario Gazette.*

SCHEDULE

SCHEDULE "A."

(*Section 30.*)

Know all men by these presents, that I, (*or* we) *insert the name or names of the vendor or vendors*), in consideration of dollars paid to me (*or* us), by the Toronto and Ashbridge's Bay Improvement company, the receipt thereof is hereby acknowledged, do grant and convey unto the said company, and I, (*or* we), (*insert the names or names of any party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be,*) of land situate (*describe the lands*), the same having been selected and laid out by the said company for the purposes of its works, to hold with the appurtenances unto the said the Toronto and Ashbridge's Bay Improvement Company, their successors and assigns (*here insert any other clause, covenants and conditions required*), and I (*or* we), the wife (*or* wives), of the said do hereby bar my (*or* our), dower in the said lands.

As witness my (*or* our), hand and seal (*or* hands and seals this day of one thousand eight hundred and

Signed, sealed and delivered in presence of }

CHAPTER 104.

An Act to incorporate the Hillcrest Convalescent Home.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the Hillcrest Convalescent Home at the city of Toronto was established for the purpose of a convalescent home, to be carried on in a suitable manner under the direction of a committee of ladies to be appointed annually for the acceptance of convalescent patients, without distinction of creed, and the same has been in working operation for over four years under the direction of a board of management; and whereas the said home was founded by a grant of land by the late William Gooderham to trustees, and the erection thereon

of

of a large and expensive building at the cost of a charitable English lady, who furnished money for the construction and furnishing of the same to the extent of upwards of $11,000; and whereas the same has been carried on by a committee of management in conjunction with the trustees chiefly through voluntary subscriptions of citizens of Toronto and legacies and bequests from time to time; and whereas large sums have been expended annually for the support of the said institution and also in making additions and alterations to the buildings to meet growing demands; and whereas the board of management have been incorporated under *The Act respecting Benevolent, Provident and other Societies*, and their powers to receive by grant, gift, devise or bequest are too limited for the practical working of the same, and it is desirable that the board of trustees and the board of management aforesaid should be united into one corporation and the lands and buildings now vested in trustees vested in such corporation; and whereas the existing corporation and the trustees and all persons interested have joined in asking for a new incorporation with the powers hereinafter set forth; and whereas it is expedient to grant the prayers of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The Honorable Samuel Hume Blake, James Kirkpatrick Kerr, John James Gartshore, William Holmes Howland, William Hodgson Ellis, Bertram Spencer, Arthur Hutchison Smith, John Jacob Withrow and Harvey Prentice Dwight, all of the city of Toronto, esquires, together with the present board of management and members of the committee, and all other persons who may from time to time be elected to succeed them as members of the committee, shall be and they are hereby constituted a body politic and corporate under the name of the Hillcrest Convalescent Home, and the said incorporation under the *Act respecting Benevolent, Provident and other Societies* shall merge in the corporation hereby created and cease to exist as a separate corporate body.

Property vested in new corporation.

2. All the property, real or personal, now held by the said individuals above mentioned, or by any of them or other person or persons, for the use or benefit of the said Hillcrest Convalescent Home shall be and is hereby transferred to and vested in the corporation hereby constituted, subject only to the provisions of the deed of grant from the said William Gooderham to trustees dated the 21st day of August, 1885, as to the disposition to be made of the said property in case it should cease to be carried on and supported as a convalescent home, and the officers and managing committee

of

of the said institution at present in office shall continue to be the officers and managing committee of the said corporation until others shall be elected in their stead.

Holding and acquiring lands.

3. The said corporation may hold the said lands for use as a convalescent home, and may also acquire and hold additional lands and premises when required for use in connection with the same for actual use and occupation as a convalescent home, provided the annual value thereof do not exceed the sum of $10,000 in all, and may also acquire any other real estate or interest therein by gift, devise or bequest if made at least six months before the death of the party making the same, and may hold such estate or interest in the lands lastly mentioned for a period of not more than seven years and shall within that period alienate or dispose of the same and the proceeds of the estate or interest so disposed of shall be invested in public securities, county or municipal debentures or other approved securities, for the use of the said corporation, and such estate or interest therein as may not within the said period have been alienated or disposed of shall revert to the party from whom the same was acquired, his heirs or representatives.

Committee of management and officers.

4. For the management of the affairs of the corporation there shall be a committee composed of not more than thirty persons, who shall be annually elected by the members of the corporation amongst themselves at a general meeting to be held annually in the month of October in each year, and at their first meeting after such election the said committee of management shall choose out of their number a president, two vice-presidents, a treasurer and a secretary, who shall hold office during the period aforesaid.

Powers of committee.

5. The said managing committee may make such and so many by-laws, orders and regulations (not being contrary to the laws of this Province or this Act) as they may deem useful and necessary for the government of the said corporation, and for the admission, resignation and retirement of members of the corporation, and may repeal, revoke, alter and amend any existing by-laws, orders and regulations.

Application of funds.

6. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of real estate.

Returns to be made to Government.

7. The said corporation shall at all times when required by the Lieutenant-Governor of the Province, make a full return of all property held by it, with such details and other information as the Lieutenant-Governor in Council may require.

CHAPTER

CHAPTER 105.

An Act to incorporate the Hospital for Sick Children.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the Hospital for Sick Children, carrying on its work at the city of Toronto, is an institution incorporated under the provisions of the *Act respecting Benevolent, Provident and other Societies*; and whereas the said corporation has represented by petition that its operations have been greatly increased since its foundation, that voluntary contributions, bequests and legacies from those interested in the welfare of the institution are the principal means of raising the large amount of money necessary for the maintenance of the hospital in the city of Toronto, and the Lakeside Home on Toronto Island, and that by reason of the enlargement aforesaid of the work of the said charity, it is desirable to obtain a special Act of incorporation providing for the more efficient management of the affairs of the said institution, and enlarging its powers of taking gifts, devises and bequests made for the benefit of the said institution; and whereas the present corporators, namely, Messrs. John Ross Robertson, Edmund Boyd Osler, George Albertus Cox, Alexander Mortimer Smith, and Samuel Rogers, have by their petition set forth the facts aforesaid, and have prayed for a special Act of incorporation; and whereas the ladies' committee formerly managing the affairs of the said hospital have assented to the provisions of this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said John Ross Robertson, Edmund Boyd Osler, George Albertus Cox, Alexander Mortimer Smith and Samuel Rogers, and their successors, are hereby constituted and declared a body corporate and politic by the name of "the Hospital for Sick Children," and by that name shall have perpetual succession and a common seal, and by that name shall sue and be sued, and shall have all the powers, rights and authorities, in addition to those hereinafter given, now vested in the Hospital for Sick Children, as heretofore incorporated under the Act aforesaid.

Assets vested in new corporation.

2. All the assets of every kind now vested in, or owned or held by the Hospital for Sick Children as heretofore incorporated under certain declarations, made in pursuance of the

provisions

provisions of section 2 of an *Act respecting Benevolent, Provident and other Societies*, are hereby vested in and transferred to the said corporation hereby constituted, with full power, subject always to the terms of any gift, devise or bequest affecting the same, to hold, sell, mortgage and manage the same, and all property hereafter acquired by the corporation hereby constituted, and the corporation hereby constituted shall be entitled to take, hold and receive all gifts, devises and bequests heretofore lawfully made and not yet paid over to the hospital for sick children as heretofore incorporated.

New corporation to assume liabilities.

3. The corporation hereby constituted shall assume and be liable for all the debts, obligations and liabilities of the hospital for sick children as heretofore constituted.

Trustees

4. The corporation hereinbefore named, and their successors, shall have the management of the affairs of the said corporation, shall appoint all officers for conducting its affairs, shall regulate the discipline and management, make such regulations for the government of the said hospital as shall to them seem meet and expedient, and make by-laws, rules and regulations for the effective government and management of the affairs of the said corporation.

Filling vacancies among trustees.

5. In case of the death or resignation of any of the said trustees, the vacancy so caused shall be filled up at the regular meeting by a majority of the remaining trustees, the name of the proposed trustee being sent to each trustee one week prior to the meeting at which such new trustee is to be appointed.

Power to receive bequests, gifts of land etc.

6. The corporation hereby constituted is authorized and empowered to take all gifts, legacies and bequests of money or other personalty, and to acquire, hold and possess so much land as may from time to time be necessary for the actual use and occupation of the said corporation, whether the same be acquired by gift, devise or bequest, or by purchase, and the said corporation, in addition to such lands as may be required for its actual use and occupation as aforesaid, is hereby authorized and empowered to take by gift, devise or bequest, lands, tenements, or hereditaments, and interests therein, the annual value of which, together with all other lands, tenements or hereditaments, or any interests therein, theretofore acquired by like means and then held by the corporation, shall not exceed in the whole the annual value of $15,000 but such last mentioned lands, tenements or hereditaments or interests therein, shall not be held for a longer period than seven years from the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands, tenements or hereditaments, or interests therein as have not within the said period been so disposed of, shall revert to the person from whom the same were

acquired

acquired, his heirs, executors administrators and assigns; and the proceeds of sales and all or any part of the moneys derived therefrom, or from any other source, may be invested from time to time in mortgage securities upon real estate, whether freehold or leasehold, and also in municipal debentures, or the debentures of any society or company, in which any trustee under section 30 of chapter 110, of the Revised Statutes of the Province of Ontario, and of the Act passed in the 52nd year of the reign of Her Majesty, chaptered 18, intituled *An Act to amend chapter 110 of the Revised Statutes as respects Investments by Trustees*, may invest any trust fund.

CHAPTER 106.

An Act to amend the Act incorporating the Synod of the Diocese of Niagara and to authorise the sale of certain lands.

[*Assented to 14th April, 1892.*

Preamble.

WHEREAS the synod of the diocese of Niagara has by petition prayed that an Act may be passed to amend in certain respects the Act passed in the 39th year of Her Majesty's reign, chaptered 107, incorporating the said synod, and the said synod has also by the said petition represented that by indenture, dated the 2nd day of November, A.D. 1854, made between Richard Hiscott and Martha, his wife, of the one part, and the Reverend Michael Boomer, of the town of Galt, a clergyman in Holy Orders, of the other part, the said Richard Hiscott did grant and convey unto the said Michael Boomer and unto his successors forever, the west half of lot number 14 in the 5th concession of the said township of Beverly, containing 100 acres more or less, and more particularly described in said indenture, to have and to hold said lands unto the said Michael Boomer and his successors forever to the uses and upon the trusts following, that is, upon trust to hold the same forever thereafter for the use and to the benefit of the said Michael Boomer, serving and doing duty in the church called "Beverly church," situate on lot number 10 in the sixth concession of the said township of Beverly and his successors incumbents of the said church and in full communion with the United Church of England and Ireland, and serving therein as aforesaid in accordance with the doctrines and discipline of the said United Church of England and Ireland and to the intent and upon the trusts that the rents and profits of the said

thereby

thereby conveyed lands and premises might be appropriated and applied from time to time towards the maintenance and support of the said Michael Boomer serving and doing duty as aforesaid in "Beverly Church" aforesaid, and his successors, incumbents of the said church and in full communion with the said United Church of England and Ireland and serving therein as aforesaid; and whereas said Michael Boomer died several years ago and the income derivable from said 100 acres is wholly insufficient to support an incumbent or clergyman of the said "Beverly Church," and there is not now nor has there been for some years past any incumbent of the said church and it has been found impracticable to maintain service in said church and there have lately been erected other churches in full communion with the United Church of England and Ireland (otherwise called the Church of England in Canada) within comparatively short distance of the said "Beverly Church," and the said 100 acres of land are becoming depreciated in value and the buildings and fences thereon are out of repair, and it is expedient that the said lands should be sold and the proceeds thereof funded and the income thereof be applied for the benefit of the incumbent or clergyman of the church called the "Beverly Church," if service can be maintained therein at any time, or if it be found impracticable to maintain service at the said church, then to apply or apportion said income towards the support of such other church in full communion with the Church of England in Canada as near the "Beverly Church" as may be practicable; and whereas there does not appear to be any trust reserved or any resulting trust in favour of the grantor or his heirs, nor is any such trust claimed by them or on their behalf; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

39 V. c., 107 s. 2, amended

1. Subject to the provisions of section 3 of this Act section 2 of the Act passed in the 39th year of Her Majesty's reign, chaptered 107, intituled "*An Act to incorporate the Synod of the Diocese of Niagara*," is amended, by adding thereto after the word "suffragan" in the fourth line thereof the following words, viz., "and any disabled or superannuated clergymen of the diocese in good standing, and under the jurisdiction of the bishop of the diocese, or deriving any income from the funds of the diocese, or who has held a license in the said diocese and has not left the said diocese."

Vestries in churches where seats are free.

2. Subject to the provisions of section 3 of this Act the said synod shall have full power and authority to make by-laws or canons for creating vestries in churches where the seats are free and where no pews or seats are let, and for regulating and declaring who shall be entitled to vote

at

at all vestry meetings for the election of churchwardens, the appointment of lay delegates or representatives and of other matters upon which it is competent to vote at vestry meetings, and also to provide for qualification and disqualification for the office of churchwarden and for the resignation of any churchwarden or churchwardens, for the appointment or election of a successor or successors whenever a vacancy shall occur by resignation or other cause, and also for declaring and defining the duties and powers of vestries and of churchwardens both in pewed and free seated churches and for providing that a pewed church with the consent of the pew-holders may become a free-seated church, or to enable a free-seated church to be converted into a pewed church and the churchwarden elected or to be elected by a vestry formed or to be formed in the manner authorised by this Act shall have all the estate and power which churchwardens would have if elected under *The Church Temporalities Act*, or under any amendment thereof.

V. c. 74.

Sections 1 and 2 not to apply until approved by synod.

3. Nothing contained in sections 1 and 2 of this Act shall have any force or effect unless and until the said sections shall be respectively approved of by the bishop and a majority consisting of two thirds of both clergy and laity at a meeting of the synod at any session of which notice has been previously given that the question of adoption of said sections 1 and 2 would be submitted for its approval in the same way that notice of the alteration of any canon is required to be given by the constitution of the said synod.

Authority to sell certain lands.

4. The synod of the diocese of Niagara is authorized to sell and convey in fee simple the above mentioned west half of lot number 14 in the fifth concession of the township of Beverly in the county of Wentworth, containing 100 acres more or less for the best price that can be conveniently obtained therefor, either in cash or partly for cash and partly secured by mortgage in fee of the said lands which the said synod is hereby authorized to take, and said mortgage may contain a power of sale to be exercised in default of payment as may be agreed on.

Investment of proceeds.

5. The said synod is authorized to invest the purchase money to arise from the sale of said lands (after deducting the costs, charges and expenses of said sale) upon such securities as the said synod may from time to time be authorized to invest trust funds, and to apply the income thereof after deducting charges of management for the benefit of any incumbent or clergyman of the said church called the "Beverly Church," situate on lot 10 in the sixth concession of the said township of Beverly if services can be maintained therein, but when and so often as it may be found impracticable to main-

tain

tain services in such church, then to apply or apportion such income towards the support of such other church in full communion with the Church of England in Canada as near to said Beverly Church as may be practicable, and as the said synod shall from time to time direct.

6. This Act shall not take effect until the 1st day of June, 1892. Commencement of Act.

CHAPTER 107.

An Act to amend the Act to incorporate the Western University of London, Ontario.

[*Assented to 14th April, 1892.*

WHEREAS the corporation of the Western University have, by their petition, represented that they are anxious to raise funds in order to carry on more efficiently the work of the said University; and whereas they believe that they could more satisfactorily attain this object if the Act incorporating the said University were so amended as to permit persons who are not members of the Church of England to be capable of election to the senate of the said University; and whereas the said senate has petitioned to be empowered by a three-fourths vote of the said senate to render the said University undenominational; and whereas the said senate has further petitioned that the name of the said University be changed from the "Western University and College of London," to the "Western University and London University College;" and whereas it is expedient to grant the prayer of the said petition; Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the 41st year of Her Majesty's reign, chaptered 70, is amended by striking out the words "The Western University of London, Ontario," and inserting in lieu thereof the words "The Western University and London University College." 41 V., c. 70, s. 1, amended.

2. Section 3 of the said Act is repealed and the following section inserted in lieu thereof:— 41 V., c. 70, s. 3, repealed.

(1) The said corporation shall consist of the chancellor, the vice-chancellor, the professors and the members of the senate for the time being, and the graduates. Corporation, how constituted.

(2)

Senate.

(2) The senate shall consist of the chancellor, the vice-chancellor, the principals of all affiliated colleges, the principal of the London collegiate institute, the several persons named in the first section of the said recited Act or their successors, the mayor of the city of London for the time being and ten graduates of the said University who shall be elected every fourth year by the graduates of the said University; and seven members shall constitute a quorum.

Chancellor and vice-chancellor.

(3) The chancellor and the vice-chancellor shall be elected by a majority of the members of the senate present at any regular meeting thereof, or at any special meeting called for that purpose, and shall hold office for a period of 3 years.

When senate may appoint additional members.

(4) In case at any time the total number of the members constituting the senate shall be reduced to less than 30, exclusive of the chancellor and the 10 elected graduates, then the remaining members of the senate shall thereupon and as often as the same may happen appoint other persons to be members of the senate, but not so as to exceed the said number of 30 in all exclusive as aforesaid.

41 V., c. 70 s. 6. repealed.

3. Section 6 of the said Act is hereby repealed and the following substituted therefor:—

Powers of senate.

6—(1) The senate shall in addition to the powers mentioned in section 4 of this Act have power to make regulations with respect: —

(*a*) To the number, appointment and remuneration of professors, lecturers and all other instructors and officers of the corporation.

(*b*) To the discipline of the students in attendance at the university or college, the course of study and the fees to be paid by such students.

(*c*) To the appointment and duties of examiners in the faculties of arts, law, medicine and engineering.

(*d*) To the time and mode of summoning meetings of the senate and generally to promote the progress of the university and to carry into effect the intent and purposes of this Act.

(*e*) To the qualification for degrees in any of the faculties except the faculty of divinity.

Regulations of senate to be filed with Provincial Secretary.

(2) All regulations made by the senate with respect to any matter in the previous sub-section mentioned, shall be deposited with the Provincial Secretary within ten days of the passing thereof to be laid before the Visitor, and such regulations shall have force and effect in the meantime and until disallowed by the Visitor, signified through the Provincial Secretary within 3 months after deposit as aforesaid.

(3)

(3) The standard of the said university in the faculty of arts shall be equal in all respects to that of the University of Toronto, and for the period of ten years from the bringing into force of this section the course of study prescribed by the University of Toronto in the faculty of arts shall be the course of study for the said university. Standard in arts.

(4) Excepting in the faculty of divinity, no religious tests shall be required of any professor, lecturer, teacher, student, officer or servant of the said university, nor shall religious observances, according to the forms of any religious denomination be imposed on them or any of them, but the senate may make such regulations as they think expedient touching the moral conduct of the students and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faiths, and every facility shall be afforded for such purposes, provided always that attendance on such forms of religious observances be not compulsory on any student attending the university or university college. No religious test required.

4. The Act passed in the 45th year of Her Majesty's reign, chaptered 89 is repealed. 45 V., c. 9 repealed.

5. This Act shall not come into force until the senate of the said university shall by a three-fourths vote of the members thereof present at a meeting called for that purpose (at which meeting 15 shall form a quorum) by statute approve of the same, and shall certify such approval through their registrar to the Lieutenant-Governor in Council, nor until such approval shall have been declared by proclamation in the *Ontario Gazette*. When Act may come into force.

CHAPTER 108.

An Act to enable Mary Soden to sell certain Lands in the City of Guelph.

[*Assented to 14th April, 1892.*

WHEREAS Mary Soden, of the city of Guelph, in the county of Wellington, widow, has by her petitions represented that John Foster was, in the year 1857, seized in fee simple of or otherwise well entitled to the lands and premises following, that is to say:—All and singular that certain parcel or tract of land and premises, situate lying and being in the Preamble.

 town,

town, now city of Guelph, in the county of Wellington, and being composed of a portion of the north-west half of lot number sixty-nine on the south-west side of Wyndham street, as shown on the registered plan of the Canada Company's survey of the town (now city) of Guelph, in the county of Wellington, and in the province of Ontario, and which is butted and bounded, and may be more particularly described as follows, that is to say: Commencing at the north-easterly angle of the said lot adjoining lot number seventy; thence along said south-westerly limit of Wyndham street south thirty-four degrees and ten minutes east twenty-nine feet; thence parallel to the division line between lots sixty-nine and seventy south fifty-five degrees and fifty minutes west one hundred and four feet and five inches and one-third of an inch, more or less, to the north-east limit of lane running along the rear of said lots numbers sixty-nine and seventy; thence along said north-east limit of lane, and parallel to Wyndham street, north thirty-four degrees and ten minutes west twenty-nine feet; thence along said division line between lots sixty-nine and seventy north fifty-five degrees and fifty minutes east one hundred and four feet and five inches and one-third of an inch more or less to the place of beginning, that the said John Foster, by deed bearing date the sixth day of June, 1857, did grant and convey the said lands unto Henry Foster and John Bieker in fee subject to the trusts thereinafter expressed; and that the said trusts were, to hold the said lands after payment of certain sums in said deed mentioned during the life of the said Mary Soden, daughter of the said John Foster, and to pay to her the rents, issues and profits of the said premises during her natural life to and for her own use and benefit, and after her decease to hold the said lands and premises in trust to convey and confirm the same unto the children of the said Mary Soden to their sole and only use for ever, share and share alike, but if any child or children of the said Mary Soden should die before his, her or their said mother, leaving issue, such issue were to have their deceased parent's share, to be divided share and share alike amongst such issue; and whereas it appears by the said trust deed as set out in full in the said petitions that before the making of the said deed the said John Foster had for valuable consideration as therein mentioned become bound by his covenant to convey the said land to the said Mary Soden, or her children, or to trustees for her or for her children's use in such manner and by such conveyance as his counsel should advise; and whereas the said Mary Soden in her said petitions further represented that the said sums so directed to be paid have all been paid, and the said Mary Soden has, since the year 1857, been in the occupation of the said lands and premises and in receipt of the rents and profits thereof; that Robert Soden husband of the said Mary Soden died in the year 1872, and she has been since and now is a widow, that the children of

the

the said Mary Soden still surviving are as follows: Mary Jane Crawley, William Henry Soden, Elizabeth Emery, Annie Soden, Robert Soden, James Thomas Soden, Maggie Smith and Bridget Agnes McTague, that the said Mary Soden had only one other child, namely, one Samuel John Soden, deceased, who left two children, namely, Georgiana Soden, aged eighteen years, and William Foster Soden, aged sixteen years; that there are on the said lands buildings which are now very old and delapidated and in a ruinous condition and which have been condemned by competent workmen; and the said Mary Soden has no means to repair the same, that the rents and profits arising from said premises are insufficient to properly maintain and support the said Mary Soden, and the value of land in the said city of Guelph is fluctuating and uncertain, and a most advantageous offer has been received for the lands; and so favourable an offer for the same lands may not again be obtainable; that seven out of the said nine children of the said Mary Soden, namely, all the said surviving children except the said Mary Jane Crawley, are willing and desirous that the said property be sold, and that their mother who is now seventy-two years of age and unable to support herself, and is without other means, should have the full benefit of their shares thereof, and of the proceeds thereof, so far as by their will and consent they can enable her to do so; that the interest of the purchase money will be insufficient to support the said Mary Soden and it is necessary for her support that a portion of the principal money should be advanced to her; that to protect the interests of the said infants, and the said Mary Jane Crawley, and all other possible rights, the amounts hereinafter mentioned to be paid into court will be amply sufficient; that three of the daughters of the said Mary Soden have been married many years and are childless; that both the said trustees are now dead, and no successor or successors have been appointed; and whereas the said Mary Soden has by her said petitions prayed that an Act may be passed to enable the said lands to be sold and disposed of as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell.

1. The said Mary Soden shall have the right, with the approval of the official guardian of infants to sell and convey by deed in fee simple the said lands, and to confer on any purchaser thereof a good title to the same in fee simple.

Application of proceeds.

2. The money arising from the sale of the said lands shall be disposed of as follows:—The said money after paying the expenses of and incidental to this Act and such allowance (if any) to the legal personal representative of John Bieker, the

survivor

survivor of the said trustees, by way of compensation for services if any under the trusts of the said deed as the local master of the Supreme Court of Judicature at Guelph may determine, shall be divided into nine equal shares; four shares shall be paid to the said Mary Soden for her own use absolutely, and the five remaining shares shall be paid into the High Court to the joint credit of the said Mary Soden and the official guardian of infants, and the interest paid to the said Mary Soden during her life and after her death shall be paid out of the said court in such manner as the court, with the consent of the said official guardian shall direct, namely, one share thereof to the said Mary Jane Crawley, or if she shall have died leaving issue, to such issue, or if there be no such issue, then to or among the parties entitled, and one share to the said infants, or if they be then deceased, to or among the parties entitled; and as regards the remaining three shares to or amongst the parties entitled, as the court, with the consent aforesaid, shall direct, regard being had to the fact that the said four shares have been paid to the said Mary Soden out of the prospective shares of the said seven children who have assented to this Act.

Existing encumbrances not affected.

3. Nothing in this Act shall be construed to affect any encumbrance, if any, existing upon or against the said lands.

TABLE

SHEWING

REVISED STATUTES AND SUBSEQUENT ACTS AMENDED BY ACTS OF 55 VICTORIA.

Act repealed or amended.	Subject Matter.	How affected.	Chapter of 55 Vict.
Rev. Stat. c. 9	Elections	Consolidated.	3
" c. 16	Sheriffs	Amended ...	5
" c. 23	Taxes in Algoma and Thunder Bay	Amended ...	7
" c. 31	Mining	Consolidated.	9
" c. 51	Division Courts	Amended ...	11
" c. 52	Jurors	Amended ...	12, 13
" c. 61	Law of Evidence	Amended ...	14
" c. 67	Arrest and Imprisonment for Debt	Amended ...	15
" c. 72	Police Magistrates	Amended ...	16
" c. 91	Administration of Justice in Unorganized Territory	Amended ...	18
" c. 114	Registration of Deeds	Amended ...	21, 22
" c. 116	Land Titles	Amended ...	24
" c. 124	Assignments and Preferences by Insolvents	Amended ...	25
" c. 125	Mortgages and Sales of Personal Property	Amended ...	26
" c. 127	Wages	Amended ...	27
" c. 129	Limited Partnerships	Amended ...	28
" c. 136	Insurance for Wives and Children	Amended ...	39
" c. 137	Infants	Amended ...	29
" c. 141	Compensation to Workmen	Consolidated.	30
" c. 143	Landlord and Tenant	Amended ...	31
" c. 150	Dentistry	Amended ...	33
" c. 152	Land Surveyors	Amended ...	34
" c. 157	Joint Stock Companies Letters' Patent	Amended ...	35
" c. 159	Road Companies	Amended ...	36
" c. 160	Timber Slide Companies	Amended ...	37
" c. 164	Gas and Water Companies	Amended ...	38

Act repealed or amended.	Subject Matter.	How affected.	Chapter of 55 Vict.
Rev. Stat. c. 167	Insurance	Amended ...	39
" c. 169	Building Societies	Amended ...	40
" c. 172	Benevolent and Provident Societies	Amended ...	39
" c. 184	Municipal Institutions	Consolidated.	42
" c. 185	Municipal Institutions in Algoma, etc	Amended ...	45
" c. 186	Registration of Debentures	Amended ...	46
" c. 189	Free Libraries	Amended ...	47
" c. 193	Assessment of Property	Consolidated.	48
" c. 194	Liquor Licenses	Amended ...	51
" c. 214	Tax on Dogs	Amended ...	55
" c. 221	Game and Fur-bearing Animals	Amended ...	58
" c. 223	Destruction of Wolves	Amended ...	59
" c. 230	University Federation	Amended ...	61
" c. 231	Property of University of Toronto	Amended ...	62, 63
51 Vict. c. 4	Manhood Suffrage	Consolidated.	3
" c. 24	Cheese and Butter Companies	Amended ...	36
" c. 28	Municipal Institutions	Consolidated.	42
" c. 29	Assessment of Property	Consolidated.	48
" c. 32	Frauds in supplying milk to Cheese or Butter Manufactories	Amended ...	53
52 Vict. c. 2	Elections	Consolidated.	3
" c. 17	Taxes in Muskoka and Parry Sound	Amended ...	50
" c. 23	Compensation to Workmen	Consolidated.	30
" c. 36	Municipal Institutions	Consolidated.	42
" c. 39	Assessment of Property	Consolidated.	48
53 Vict. c. 2	Elections	Consolidated.	3
" c. 3	Secrecy at Elections	Consolidated	3
" c. 9	Mining	Consolidated.	9
" c. 10	Mining Regulations	Consolidated.	9
" c. 21	Official Documents as Evidence	Amended ...	14
" c. 42	Road Companies	Amended ...	36
" c. 43	Timber Slide Companies	Amended ...	37
" c. 50	Municipal Institutions	Consolidated.	42
" c. 54	Assessment of Property	Consolidated.	48

Act repealed or amended.	Subject Matter.	How affected.	Chapter of 55 Vict.
53 Vict. c. 55	Exemptions from Municipal Assessments	Consolidated.	42, 48
" c. 56	Liquor License Laws	Amended	51
" c. 62	Tax on Dogs and Protection of Sheep	Amended	55
" c. 70	Protection of Game	Amended	58
54 Vict. c. 5	Elections	Consolidated.	3
" c. 8	Mining	Consolidated.	10
" c. 20	Assignments and Preferences by Insolvents	Amended	25
" c. 35	Gas and Water Companies	Repealed	38
" c. 42	Municipal Institutions	Consolidated.	42
" c. 43	Debentures Registration	Amended	46
" c. 45	Assessment of Property	Consolidated.	48
" c. 51	Drainage Trials	Amended	57
" c. 55	Public Schools	Amended	60

INDEX

TO

ACTS OF THE PROVINCE OF ONTARIO.

SECOND SESSION, SEVENTH LEGISLATURE, 55 VICTORIA, 1892.

PAGE.

ALGOMA. *See* Municipal Institutions in the Outlying Districts.
Algoma and Thunder Bay, Act respecting the courts in 152
actions beyond county court jurisdiction 152
sittings of the high court 153
sittings of district court and general sessions 153
Act to amend the act respecting the taxation of patented lands in 102
provincial treasurer may buy in lands offered for sale for taxes 102
record of lands so purchased 103
purchase to cancel claim of crown for taxes 103
Animals. *See* Game and Fur-bearing Animals.
Assessment Amendment Act, 1892 645
Assessment of Property, Act to consolidate the Acts respecting 559
interpretation 560
unoccupied land, when to be deemed lands of non-residents 560
railway lands to be deemed lands of residents, when 561
taxes to be levied equally 561
property liable to taxation 561
exemptions 561-564
farm lands in towns and villages 564-565
assessors, appointment and duties 566
assessment roll, form and contents 566
completion of 584
certificate and oath 584
assessor to make inquiries to prevent creation of false votes 585
filling in clerk's office—inspection of 585
improper entries or omissions on, penalty for 585
farmer's sons, how entered on roll 569
entry of manhood suffrage voters 570
school census 572
real property, mode of assessing 572
assessable in municipality or ward in which situated 572
where occupied by owner 573
where not occupied by owner, but owner resident in municipality 573
where owner resident of Province but not of municipality 573

	PAGE.
Assessment of property.—*Continued.*	
real property—mode of assessing.—*Continued.*	
where owner not resident in Province	573
land purchased from the crown	573
land owned or occupied by several persons	574
partnership property	574
property of companies for school purposes	574
value, how estimated	576
mineral lands	576
vacant ground, gardens, etc	576
islands used as summer resorts	577
railway lands and property	577
toll roads	577
stock in road companies	578
non-resident lands	577
personal property, mode of assessing	578
mercantile business	579
where residence and place of business in different municipalities	579
estimate of value	576
income from profession, office or calling	578
shares not in name of beneficial owner	579
property of non-residents	579
property of companies, banks, etc	579
partnership property	580
property of persons carrying on trades, professions, etc	580
salaries of certain persons	580
non-residents' property in hands of agents	581
joint owners, property of	581
trustees, guardians, etc., property under control of	581
information, persons assessable to give to assessor	581
notice of assessment	583
service of notices on farmers' sons	583
assessment as public or separate school supporters	583
time for taking assessment, powers of municipalities as to	586
instalments, payment of taxes by	587
revision, court of	588
trial of complaints	589
final revision of roll	592
remission or reduction of taxes and correction of errors	593
appeals	593
to county judge	593
procedure	594
powers of judge	594
costs and expenses of judge	595
amendment and final correction of roll	595
transmission of certified copy of roll to county clerk	595
where large amounts or questions of law involved	596
by non-residents	597
evidence of assessment roll	593
equalization of assessments	598
by county council	598
appeal	598
valuators to attest report on oath	600
apportionment of county rates	600
statute labor	601
in cities, towns and villages	601
in townships	601
exemptions from	601
commutation of	602
of non-residents	603
farmers' sons	602
enforcement of	603
in unincorporated townships	604
collection of rates	566-607
appointment of collectors	566

Assessment of property.—*Continued.* PAGE.
collection of rates.—*Continued.*
collectors' rolls ... 607
provincial taxes ... 607
non-residents' roll ... 607
duties and powers of collectors ... 608
lien, taxes on land to constitute ... 612
crown grants, licenses, etc., lists of, to be furnished ... 612
arrears of taxes ... 612
list of lands in arrears for three years ... 612
addition of arrears to collectors' roll ... 614
collection as in other cases ... 614
liability of lands to sale if still unpaid ... 614
penalty on clerks and assessors neglecting duties ... 614
when county or local treasurer to receive arrears ... 615
non-residents' taxes, remission of ... 615
distress on lands of ... 617
statement of arrears to be furnished on demand ... 616
books to be kept by treasurer ... 616
proceedings where lands omitted from assessment ... 616
correction of errors ... 617
yearly addition of ten per cent. to arrears ... 617
unpatented lands, from what period taxable ... 617
sale of lands for taxes ... 617
when liability begins ... 617
extension of time by municipal council ... 618
what lands only to be sold ... 618
advertisement of lands ... 618
on separation of junior county ... 619
mode of sale ... 619
adjournment of sale ... 619
purchase by municipality ... 620
where fee in Crown, what interest to be sold ... 620
where Crown holds lien or mortgage for unpaid purchase money ... 620
re-sale on failure to pay purchase money ... 621
certificate of sale ... 621
rights of and restrictions on purchaser ... 621
tender of arrears ... 621
treasurer's commission and charges ... 621
redemption, time within which allowed ... 622
deed, where land not redeemed ... 622
registration of—priority ... 623
record of parcels conveyed ... 624
valid and unquestionable, when ... 624
retirement of treasurer not to invalidate ... 624
rights of entry adverse to purchaser in possession ... 624
when sale or deed void for uncertainty ... 625
right to payments and improvements ... 625
option of retaining land on paying value ... 625
costs in certain cases ... 627
lien for purchase money, etc., where tax title invalid ... 627
contracts between tax purchaser and original owner ... 628
rights of owner in continuous possession ... 628
arrears to form one charge on land ... 632
in cities and towns ... 629
in new municipalities ... 629
deficiency in certain taxes to be paid by local municipality ... 628
non-resident land fund ... 630
payments to local municipalities out of ... 630
issue of debentures on credit of ... 631
surplus, how distributed ... 632
treasurer's percentage or salary in respect of ... 632
annual statement respecting ... 632

Assessment of property.—*Continued.* PAGE.
responsibility of officers—offences and penalties 633
security by treasurers and collectors 633
refusal or neglect to perform duty 633
fraudulent assessments or collections 633
evidence of fraudulent assessment 633
non-completion of assessment roll by time limited 634
collector failing to pay over 634
sheriff making false return, failing to pay, etc 634
moneys for Provincial purposes 635
moneys for county purposes 636
local treasurer to pay over 636
responsibility of municipal corporation for treasurer 636
penalty for tearing down or defacing advertisements, etc 637
recovery and application of fines and forfeitures 637
forms 638
Assignments and Preferences by Insolvent Persons, Act to further amend the law respecting 157
"creditor," for certain purposes to include surety or endorser 157
pending proceedings 157
Association of Ontario Land Surveyors. *See* Surveyors.

BEES, Act for the further Protection of 153
use of poison in spraying fruit trees 153
penalties 153
Bonuses by Municipal Corporations, repeal of bonus clauses not to affect by-laws heretofore passed 556
Brockville, Town of, Act to consolidate the floating debt of 677
Brockville, Westport and Sault Ste. Marie Railway Company, Act to amend the Act incorporating 810
Building Societies, Act to amend the Act respecting 237

CANADIAN NIAGARA POWER COMPANY, agreement with Commissioners of Niagara Falls Park confirmed and company incorporated 103
Carp, Almonte and Lanark Railway Company, Act to incorporate 811
Chatham, Town of, Act to consolidate the debt of 679
Chatham Waterworks Company, Act to confer certain powers upon 685
Cheese and Butter Manufactories, extension of business for certain purposes authorized 189
Act to amend the Act respecting frauds in the supplying of milk to. 656
Cobourg, Town of, Act to consolidate the debt of 686
Colleges. *See* University of Toronto.
Columbian Exposition, Act respecting the appointment of a commissioner to 96
member of Legislature may be appointed 96
Commissioners of Queen Victoria Niagara Falls Park, Act to confirm agreement with Canadian Niagara Power Company 103
Compensation to workmen. *See* Workmen's Compensation for Injuries Act, 1892.
Consolidated Assessment Act. *See* Assessment of Property.
Consolidated Municipal Act. *See* Municipal Institutions.
County Police Magistrates. *See* Police Magistrates.
Courts. *See* Algoma and Thunder Bay.

DEBENTURES REGISTRATION ACT, Act to amend 557
Dentistry, Act to amend the Act respecting 173
board of directors of college, how composed 173
election of board 174
officers of college 175
annual fees 175
schedules, electoral districts 175
form of voting paper 176
District Courts. *See* Algoma and Thunder Bay.
Division Courts Act. Act to amend 145
procedure where sureties of clerk or bailiff discontinue suretyship 145
annual return of commitments of judgment debtors 145

PAGE.

Dogs, Act to amend the Act to Impose a Tax on, and for the Protection of Sheep 659
Drainage Trials Act, 1891, Act to amend 661
referee empowered to amend and alter provisional by-law 661
fyling notice of appeals 662
clerk of county court to act as clerk to referee 662
copies of evidence, form of judgment 662
referee not to practice law 663
Dundas and Waterloo Macadamized Road, Act respecting 692

ELECTION OF MEMBERS OF LEGISLATIVE ASSEMBLY, Act to amend and consolidate the Acts respecting 11
interpretation 13
qualification of candidates 14
of voters 14
provisions as to Indian voters 16
polling subdivisions 18
returning officer 20
appointment of 20
disqualification for office of 21
exemptions 21
refusal to act, penalty for 21
general elections, provisions respecting 22
clerk of the Crown in Chancery to supply poll books to returning officers 23
form of poll book 23
writ, issue of 22
proceedings on receipt of 24
nomination day, proclamation of 24
unforeseen delay in opening election, effect of 24
polling day, proclamation of 24
polling places to be determined 26
taverns not to be used for 26
compartments for voters 27
ballot boxes to be procured 27
returning officer to take oath 27
election clerk, appointment and oath 27
penalty for refusal to act 28
absence of, provided for 28
to act as returning officer, when 28
proceedings on nomination day 28
poll to be granted if demanded 28
withdrawal of candidate after nomination 29
death of candidate after nomination 29
poll, proceedings when granted 30
proclamation of date and places of polling and summing up votes 30
not to be held on Sundays or certain holidays 30
to be on one day only 30
poll to be held in every subdivision 30
voters' list, copy of to be furnished for every polling place 30
polling places in Algoma 30
in Nipissing 31
voting to be by ballot 31
hours of 31
voter may absent himself from employment for purpose of .. 31
deputy returning officers, appointment and duties of 32
death or absence of person appointed provided for 32
ballot papers, contents and form of 33
tendered ballot papers 33
ballot boxes, deputy-returning officers to be furnished with 34
directions for voters' guidance 34
assessment roll, certificates as to, to be furnished 35
voters' list, what proper to be used 35

	PAGE.
Election of members, etc.—*Continued.*	
poll, proceedings when granted.—*Continued.*	
voters' lists, only persons named in to vote	37
copies of, to be furnished to deputy-returning officers.	37
names to be numbered	38
poll clerk, appointment and duties of	38
to act as deputy-returning officer in certain cases	38
death or absence of, provided for	39
proceedings at poll	41
after close of poll	48
voting more than once, penalty for	39
where to take place	39
re-count of votes by county or district judge	52
loss or injury of voters' list or other documents, provision in case of	54
return to the clerk of the crown in chancery	55
publication of	56
inspection and production of documents	56
peace and good order, provision for preservation of	58
secrecy of proceedings, provisions to secure	60
corrupt practices, defined	61
disqualification for	65
punishment of persons guilty of	66
avoidance of a prior election, effect of	67
disqualification procured by perjury, removal of	67
illegal acts, penalties for	67
court for trial of	69
procedure	69
privilege or self-crimination, witnesses not excused on ground of	72
offences and penalties	72
expenses of candidates	74
payment of	74
statement of to be published	75
inspection of bills and vouchers	75
fees and expenses of officers	75
payment of	75
clerk of the crown in chancery, who to be	76
ballot boxes property in	76
agent, disqualified person not to act as	76
candidate may undertake duties of	76
elector may act as	77
expressions referring to ,explained	77
polling not commenced, or interrupted, provision for	77
time, computation of	77
irregularities, effect of in certain cases	77
tender of a vote, and voting, what to be deemed	78
oaths, administration of	78
forms	78
ELMA, Township of. *See* Act to confirm by-law No. 288 of	695
Employees. *See* Protection of Persons Employed in Places of Business other than Factories	
Evidence Act to amend the Law of	147
parties, and their wives and husbands to be competent and compellable	147
official documents as evidence	147
Federation. *See* University of Toronto.	
Fees. *See* Public Officers.	
Fish and Game Commissioners. *See* Game.	
Fisheries. *See* Provincial Fisheries.	
Fort William, Town of, Act to incorporate	698
Frauds in the Supplying of Milk to Cheese or Butter Manufactories, Act to amend the Act respecting	656
Free Libraries Act, Act to amend	558
limit of expenditure without approval of council	558

Free Libraries Act.—*Continued.* PAGE.
submission of estimates to council ... 558
submission of certain by-laws to the electors ... 558
establishment of museums ... 558
Fruit Trees, use of poison in spraying prohibited ... 153
Fur-bearing Animals. *See* Game and Fur-bearing Animals.

GAME AND FUR-BEARING ANIMALS, Act to amend the Act for the protection of ... 663
close period for deer, elk, moose, etc ... 663
hounds not be at large during close period ... 663
limit of number of deer one person may kill ... 663
certain kinds of hunting prohibited ... 664
hunting game during close periods prohibited ... 664
killing wild fowl at night prohibited ... 665
hunting or fishing on Sunday prohibited ... 665
purchase or sale of certain birds prohibited for three years ... 665
hunting on lands of other persons without permission ... 665
hunting by non-residents ... 666
board of fish and game commissioners, appointment of ... 666
duties and powers ... 667
collection of information and statistics ... 667
application of game laws—Indians and settlers ... 667
penalties ... 668
conviction of offender on view of offence ... 668
application of fines ... 668
arrest of offenders without process ... 668
abuse of power by officers ... 669
recovery of penalties ... 669
Gas and Water Companies, Act to amend the Act respecting joint stock companies for supplying cities, towns and villages with gas and water ... 193
power to issue additional or preferred stock ... 193
right of municipality to take over works ... 194
General Road Companies' Act, Act to amend ... 189
election of directors by municipalities controlling stock ... 189
appointment of engineer to inspect roads out of repair ... 190
pending proceedings ... 190
Goderich, Town of, Act to consolidate the debt of ... 704
Grand Jurors, Act reducing the number of ... 146
number to be returned by sheriff ... 146
when Act to take effect ... 146
Guelph, City of, Act to amend an Act respecting the public burying ground in ... 708

HAMILTON, GRIMSBY AND BEAMSVILLE ELECTRIC RAILWAY COMPANY, Act to incorporate ... 824
Harvey, township of, Act to amend an Act respecting ... 715
High Court. *See* Algoma and Thunder Bay.
Hillcrest Convalescent Home, Act to incorporate ... 951
Hospital for Sick Children, Act to incorporate ... 954

INFANTS, Act to amend the Act respecting ... 160
Insurance Corporations, Act respecting ... 194
interpretation ... 194
no unlicensed corporation to undertake insurance ... 199
registers to be kept for insurance licenses and friendly societies ... 199
corporations requiring license not to be registered as friendly societies ... 199
certain other corporations not to register ... 200
insurance licensees, how registered ... 201
powers of inspector as to registration of licenees ... 201
benevolent societies incorporated under Rev. Stat. Cap. 172, how registered ... 202
friendly societies, what classes may be registered ... 203
foreign friendly societies, registration of ... 203
powers of registrar as to registration of friendly societies ... 204

Insurance corporations.—*Continued.* PAGE.
form and time for application for registration 205
financial statements to accompany certain applications 205
foreign corporations to forward power of attorney of chief agent 205
duplicates of statements and power of attorney to be filed with clerk of the process 205
when changes made in chief agency or form of contracts 206
service of process on chief agent 206
investment of reserve funds held in Ontario 206
entries in register, how made 206
certificates of registry 207
duration of registry, when renewable 207
inspection or cancellation of Dominion license, effect of 207
interim certificates 208
no deposit to be made by friendly societies 208
registrar's report not to be a warranty of condition of society 208
penalty for misrepresentations as to registry 208
names of registered societies, not to be similar 209
change of 209
suspension or cancellation of registry 209
publication of semi-annual list of corporations registered 210
evidence of publication 210
unregistered corporations not to undertake insurance 211
penalty for so doing 211
limitation of prosecutions 211
proper books to be kept by corporations 212
annual audit of societies' books 212
investment of surplus funds of society 212
special audits of books 213
penalty for making false entries in books 214
report of special auditor, procedure upon 214
rules, to be deliverable on demand 214
penalty for delivering false rules 214
terms, etc., of contract invalid unless set out in full 215
contract not invalidated by immaterial misstatements in application 215
materiality of misstatements, how decided 215
rights of parties after loss 216
error as to age not to avoid policy but benefit to abate 216
insurance upon the lives of children 217
what to be included under accident insurance 218
insurance in friendly societies for benefit of wives and children 218
discrimination as to rates, etc., between persons of same expectancy prohibited 219
registration of insurance agents 219
penalty for transacting business while unregistered 220
liability of members of friendly societies 221
notice to be given before forfeiture of benefit 221
conditions of forfeiture to be just and reasonable 221
maximum amount in contract to be *prima facie* payable at death, etc. 222
claims, when payable 222
service of papers on corporations 222
suspension of registry upon insolvency 222
registrar to have access to books and securities 223
when claimants may inspect books 223
annual statement to be furnished to registrar 224
annual return by registrar 224
cancellation of registry upon certain events 224
suspension upon happening of certain events 225
registrar to file a notice of cesser of registry 225
decisions of registrar to be in writing 225
procedure on hearing of matters by registrar 226
appeals, procedure upon 226
where there are two or more custodians of funds, etc 226
effect of certain events or of non-registry 227

Insurance corporations.—*Continued.* PAGE.
interim receiver ... 227
application by, for confirmation or discharge ... 227-229
security by ... 229
powers of master, practice ... 230
on default master may appoint another person ... 231
duties of person so appointed ... 231
proceedings on default of compliance ... 232
penalties ... 232
offence by corporation to be offence by officers ... 232
costs of proceedings ... 233
fees payable to Provincial Treasurer ... 233
amendment and repeal of certain prior enactments ... 236
Irondale, Bancroft and Ottawa Railway, aid to ... 440

JURORS ACT. Act to amend ... 146
who shall attend at selection of Jurors for Toronto and York ... 146
See Grand Jurors.

KINGSTON, LIGHT, HEAT AND POWER CO., Act respecting ... 931

LANDLORD AND TENANT, Act to amend the Act respecting the law of ... 172
Land Surveyors. *See* Surveyors.
Land Titles Act, Act to amend ... 157
filing plans of roads less than 66 feet wide ... 157
Law Society, authorized to admit women to the study and practice of law ... 173
Legislative Assembly, member of may be Commissioner to Columbian Exposition ... 96
See Elections.
Limited Partnerships, Act to amend the Act respecting ... 160
Liquor License Act, Act to amend ... 652
constables and councillors not to be eligible as bondsmen ... 653
fees for transfers and removals ... 653
sale of beer in original casks ... 653
sale of liquor by druggists ... 653
appeals by prosecutor where cases dismissed ... 654
sale of liquor in municipalities where local option by-laws in force ... 655
repeal of local option by-laws ... 655
London, Act respecting the City of, and the West Ontario Pacific and certain other Railway Companies ... 716

MANHOOD SUFFRAGE ACT, when to apply in unorganized territories ... 6
incorporated with Act respecting voters' lists in unorganized territories 9
Mattawa, Town of, Act to incorporate ... 719
Mercantile Fire Insurance Co., Act to amend the Act to incorporate ... 932
Milk, Act to amend the Act respecting Frauds in the supplying of, to cheese and butter manufactories ... 656
Mines Act 1892.
interpretation ... 113
royalties formerly reserved, and reservations of gold and silver mines abolished ... 114
what royalties payable since 4th May, 1891 ... 115
exemptions, in case of original discovery ... 115
ores taken for experimental purposes ... 116
regulations by Lieutenant-Governor in council ... 116
crown lands may be explored for minerals ... 116
sale of crown lands as mining lands ... 117
mining locations, form and size of ... 117
survey of locations in unsurveyed districts ... 118
prices of locations ... 118
tenure of locations ... 118
expenditure to be made by owner ... 118
may be made in labour ... 119
in default lands to revert to crown ... 119

Mines Act.—*Continued.* PAGE.
leases of mining lands by crown ... 119
rental, renewal and conditions ... 119
removal of machinery on expiration of ... 119
expenditure by lessee ... 120
when lessee may become purchaser ... 120
forfeiture ... 120
pine trees, reservation of ... 120
limitations as to use of timber by locatee ... 121
owner of surface rights to have priority as to mining rights ... 121
price or rental of mining rights ... 122
compensation to owner of surface rights ... 122
limitation of rights of entry to prospect ... 122
bureau of mines, establishment of ... 122
appointment of director ... 122
powers and duties ... 122
mining divisions, establishment of ... 123
inspectors, appointment and powers of ... 123
to be justices of the peace ex-officio ... 123
to settle disputes between licensees ... 123
officers to have no interest in mining claims ... 123
penalty ... 123
agents for sale of mining lands, appointment of ... 124
claims, provisions as to ... 124
licenses, duration, fees for, and form of ... 124
fees on renewal ... 124
powers and duties of licensee ... 125
staking out claim ... 125
rules as to ... 125
forfeiture of claim on failure to notify inspector ... 125
by allowing claim to be unworked ... 126
no person to occupy more than one claim ... 126
license to be exhibited to inspector on demand ... 126
rights of discoverer of new claim ... 127
what to be deemed a discovery ... 127
party walls, regulations as to ... 127
licensees not to damage other claims ... 127
registration where claim temporarily unworkable ... 127
penalties for removing stakes ... 128
appointment of constables in mining divisions ... 128
application of Act respecting riots near public works ... 128
penalty for contravening provisions of part III ... 128
conviction by inspector on view ... 129
what to constitute an offence ... 129
application of fees, fines and penalties ... 129
mode of trial ... 129
mining regulations ... 129
application ... 129
employment of boys under fifteen under ground and of women prohibited ... 129
hours of employment of boys ... 130
register of boys employed ... 130
employment of young persons in connection with engines ... 130
penalty for employment of persons contrary to Act ... 130
wages not to be paid in taverns, etc. ... 131
returns by owners and agents of mines ... 131
prevention of accidents ... 132
notice of accident to be sent to the Bureau of Mines ... 132
notice of opening and abandonment of mines ... 132
fencing abandoned mine ... 132
inspector not to be interested in mines ... 132
powers of inspector ... 132
obstructing inspector ... 134
production of plans on inspection ... 134

Mines Act.—*Continued.*
mining regulations.—*Continued*
reports of inspector 134
service of notices pending appointment of inspector 135
penalties and prosecutions 135
general rules as to conduct of mining operations 136
penalty for defacing notices 139
repealing clause 139
Mortmain and Charitable Uses, Act to amend the law relating to 154
application of Act 154
"land," meaning of 154
land devised to charity to be sold within two years 154
when land unsold at the expiration of two years 154
personal estate directed to be laid out in land, disposition of 154
when land may be retained by charity 155
statutes of mortmain not to apply to impure personalty 155
Act to apply only to legacies otherwise void 155
Municipal Amendment Act, 1892 544
Municipal Institutions in the Outlying Districts, Act to amend the law respecting 557
laying out roads less than 66 feet wide 557
by-law closing road allowances 557
Municipal Bonuses, repeal of bonus clauses not to affect by-laws heretofore passed 556
Municipal Institutions, Act to consolidate the Acts respecting 241
short title 243
interpretation 243
municipal organization 244
incorporation 244
existing municipal corporations continued 244
council, officers, by-laws, contracts, assets, etc., continued 245
style of corporation or provisional corporation 245
inhabitants of county or other municipality to be body corporate. 245
corporate powers, how exercised 245
new corporations 245
villages, incorporation, name and limits of 246
area restricted 247
no increase in certain cases 247
disposition of property and debts on separation from township .. 247
when in two or more counties, annexation to one 247
adjustment of liabilities 248
annulment of incorporation 248
annexation to adjoining municipality 248
reducing the area of villages or towns 249
incorporated village may become unincorporated 249
setting apart unincorporated villages 250
jurisdiction and additional powers of township council 250-251
towns and cities 251
a census may be taken at any time 251
formation, name and limits 252
wards, division into 252-254
extension of limits 253
where land attached to town, etc., belonged to another county .. 254
annexation of village or town to adjacent village, town or city .. 254
withdrawal of town from jurisdiction of county 255
re-union with county 257
townships 257
annexation of new townships to counties 257
unions of townships 258
separation of junior township 258
union with other adjoining municipality 258
adjustment of assets and liabilities on dissolution 258
unincorporated townships may be formed into unions 259
seniority of townships, how regulated 259
when townships are in different counties 259

Municipal Institutions.—*Continued.* PAGE.
new corporations.—*Continued.*
counties, how formed ... 259
annexation to adjacent incorporated county ... 259
seniority of united counties, how regulated ... 260
laws applicable to unions of counties ... 260
provisional county corporations ... 260
separation of junior county ... 260
council, appointment of ... 260
county town ... 260
officers, appointment of ... 261
erection of gaol and court house ... 261
powers of provisional council and of council of union ... 261
liabilities and assets, adjustment of ... 261
when provisional councillors shall not vote ... 262
in case of disagreements, disputes how settled ... 262
appointment of sheriff, registrar, etc ... 262
proclamation of separation ... 262
officers, by-laws, contracts, etc., continuation of ... 263
duties of treasurer of senior county ... 263
execution and service of process in hands of sheriff ... 263
pending actions ... 263
writs in hands of sheriff at time of dissolution ... 264
division courts ... 264
chattel mortgages ... 264
change of place of trial after separation ... 264
where no order made ... 265
place for holding courts in junior county ... 265
matters consequent upon the formation of new corporations ... 265
by-laws to continue in force ... 265
where limits of municipality extended ... 265
debts and liabilities, how affected ... 265
adjustment of debts when limits extended ... 266
power to proceed with local improvements ... 266
municipality commencing work to be indemnified ... 266
where improvement is entirely within new municipality ... 267
where only partially within ... 267
debentures to be issued for debts ... 267
assessments for year previous to separation ... 268
officers and their sureties ... 268-269
councils, how composed ... 269
members ... 269
in counties ... 269
certificate of election ... 270
in cities ... 271
in towns ... 271
in incorporated villages ... 272
in townships ... 272
in provisional corporations ... 273
qualification ... 273
in cities, towns, villages or townships ... 273
in new township not having assessment roll ... 274
where only one qualified person for each seat ... 275
disqualification and exemptions ... 275
elections and electors ... 276
electors ... 276
qualification ... 276-277
rating required ... 278
defaulters for non-payment of taxes not to vote ... 278
entry on voters' list necessary ... 278
except in certain new municipalities ... 278
where new territory added ... 278
owner and occupant severally assessed ... 279
joint owners, how rating to be divided ... 279
householder defined ... 279

Municipal Institutions.—*Continued.* PAGE.
elections—*Continued.*
elections ... 279
time and place of holding ... 280-281
returning officers and deputy returning officers ... 281
death or absence of provided for ... 282
authority of ... 282
oaths of voters ... 283-286
proceedings preliminary to the poll ... 286
nomination meetings ... 287
presiding officer ... 287
where township adjoins city, town or village ... 288
provision for Christmas day ... 288
county council may lengthen time between nomination and polling ... 288
notice of ... 288
proceedings at ... 288
resignation of person nominated ... 289
poll, when and where to be held ... 288-289
votes to be by ballot ... 289
defaulters in payment of taxes, list of ... 289
ballot boxes ... 290
ballot papers ... 290-291
deputy returning officer to be supplied with ... 291
polling places, requisites of ... 291
directions to voters ... 291-292
deputy returning officers to placard directions ... 292
voters' and defaulters' list ... 292-294
assessment roll, certificate as to ... 294
when to be deemed finally revised ... 294
clerk to perform duties of deputy returning officer, when ... 294
where electors may vote ... 295
the poll, proceedings at ... 296
deputy returning officer, duties of ... 296-304
voting, mode of ... 296-297
exclusion from balloting compartment ... 298
ballot paper not to be taken from polling place ... 298
incapacity to mark ballot paper, proceedings in case of ... 299
ballot paper inadvertently spoiled ... 299
who may be present in polling place ... 300
counting the votes, mode of ... 300
statement to be signed ... 301
only two agents to be present ... 301
certificate of state of poll to be given ... 301
duties of deputy returning officers after counting the votes ... 301
clerk to cast up votes and declare result ... 303
to give casting vote where necessary ... 303
right of deputy returning officer and poll clerk to vote ... 303
interruptions by riot or other emergency ... 303
declarations of office and qualification ... 304
ballot papers, disposition of ... 304
inspection of ... 304
recount ... 304-307
documents, production and evidence of ... 307
offences and penalties ... 307-308
secrecy of proceedings, maintenance of ... 308-309
agent, candidate may undertake duties of ... 309
time, computation of ... 309-310
irregularities, election not to be void for, if result not affected ... 310
fees and expenses, payment of ... 310
vacancies in council ... 310
crime, insolvency or absence ... 310
quo warranto proceedings ... 311
resignation, when allowed ... 311

Municipal Institutions.—*Continued.* PAGE.
elections—*Continued.*
new elections provided for ... 311-312
number, how made up if election neglected ... 312
controverted elections ... 312
how validity or right of election determined ... 312-313
limitation of time for contesting ... 313
evidence and procedure ... 313-314
notice of motion and service of ... 314
election invalid as to all members—proceedings ... 314-315
disclaimer, when allowed ... 315-316
costs ... 316
judgment to be final ... 316
return of ... 316
enforcing ... 316
rules, judges empowered to make ... 316
corrupt practices, prevention of ... 317
bribery and undue influence defined ... 317-318
expenses of candidates, what allowed ... 319
evidence to be *viva voce* ... 319
penalties ... 319
report and record of convictions ... 319-320
witnesses, attendance of how procured ... 320
self-crimination or privilege not to excuse from answering ... 320
limitation of actions ... 320
when penalties not recoverable ... 320
law against, publication of ... 321
meetings of municipal councils ... 321
first meetings, proceedings at ... 321
warden, election of by county council ... 321
first meeting of county council ... 322
subsequent meetings ... 322
remuneration of members ... 322
conduct of business ... 323
ordinary meetings to be open to the public ... 323
quorum ... 323
who to preside ... 322
special meetings ... 323
presiding officer may vote ... 324
equality of votes to negative question ... 322
adjournment, power of ... 324
officers of municipal corporations ... 324
the head, who to be ... 325
duties ... 325
the clerk, appointment and duties of ... 325
absence of ... 325
inspection of documents under charge of ... 325
copies of documents certified by clerk to be received in evidence ... 326
returns of statistics ... 326
the treasurer, appointment and duties of ... 326
security given by, annual examination of ... 326
to receive and disburse moneys, prepare statements, etc ... 327
returns of statistics ... 327
provision on dismissal from office ... 328
assessors and collectors, appointment of ... 328
assessment commissioner ... 328
auditors and audit ... 328
appointment and duties ... 328
Toronto, special provisions respecting ... 329
abstract and detailed statement of receipts, etc ... 330
auditors to report on security given by treasurer ... 330-332
may require statement of treasurer's bank account ... 331
treasurer shall keep moneys of corporation separate from his own. 331
publication of statements of assets and liabilities ... 331
accounts may be audited before payment ... 332

Municipal Institutions.—*Continued.* PAGE.
officers of municipal corporations.—*Continued.*
clerks to publish abstracts and statements ... 332
final audit to be made by council ... 332
valuators, appointment and duties of ... 333
council may extend period to which valuation shall apply ... 333
oaths and declarations by ... 333-335
penalty for refusing to take office or administer declaration, etc ... 335
remuneration to clerks under *The Ditches and Watercourses Act* ... 336
tenure of office ... 337
gratuities to retiring officers ... 337
security by officers ... 337
provisions applicable to all municipalities ... 337
councils, general jurisdiction of ... 338
a continuing body ... 338
traders' license fees ... 338
monopolies prohibited ... 339
exception as to ferries ... 339
by-laws ... 339
authentication and proof of ... 339
proof of facts recited ... 340
objections by ratepayers, how made ... 340
when council shall not act on ... 340
voting on by electors ... 341
proceedings preliminary to the poll ... 341-343
the poll, proceedings at opening of ... 344
at close of ... 348
who entitled to vote ... 344
leaseholders, when entitled ... 344-345
oaths ... 345-347
statement as to result of polling ... 347
objections to ballot papers ... 347-348
deputy returning officers' duties ... 348
after votes are counted ... 348-349
duties of clerk ... 349
bonus by-laws, requisites of in certain cases ... 349
secrecy of proceedings, provisions to secure ... 350
scrutiny ... 350-351
by-law adopted by voters to be passed by council ... 351
confirmation of, by promulgation ... 352
quashing of—how to proceed ... 352-353
limitation of time for ... 353
bribery a ground for ... 353
inquiry by county judge ... 353-354
liability of municipality for acts under illegal by-law ... 354
creating debts—requisite formalities ... 355-356
principal may be re-payable by annual instalments ... 356-357
special rates a charge on property ... 357
assent of electors, when required ... 357
repeal of ... 358-359
purchase of public works, tolls, etc ... 359
registration of ... 360-362
yearly rates, amount and limit of ... 363
estimates to be made annually ... 363
date from which taxes computed ... 364
priority of debentures ... 364
reduction of special rate ... 364
exempting manufactories or water-works from taxation ... 364
anticipatory appropriations ... 365
when and how made ... 365
what by-law shall recite ... 366
on separation of municipalities ... 366

Municipal Institutions.—*Continued.* PAGE.
provisions applicable to all municipalities.—*Continued.*
finance, provisions respecting ... 367
accounts and investments ... 367
accounts for special rate and sinking fund ... 367
surplus on special rate, application of ... 367
general surplus, application of ... 368 369
investments, members of corporations not to be parties to ... 369
returns to government ... 369-370
commission of inquiry into finances ... 370-371
arbitrations ... 371
arbitrators, how appointed ... 371-372
county judge, when to appoint ... 373
award, when to be made ... 373
persons disqualified from acting ... 373
compensation for lands taken or injured ... 372
procedure ... 374
oath of arbitrator ... 374
time of meeting ... 374
registration of award ... 374
costs ... 374
evidence ... 375
award, when must be adopted by by-law ... 375
jurisdiction of court over ... 375-376
debentures and other instruments ... 376
how to be executed ... 376-377
defects in form ... 377
debentures issued prior to 1st February, 1883 ... 377
local improvement debentures ... 377-378
transfer of, if registered by treasurer ... 378
loans to meet current expenses, security for ... 378
no undertaking to be for less than $100 ... 378
administration of justice and judicial proceedings ... 379
justices of the peace *ex officio* ... 379
jurisdiction of mayors of cities and towns ... 379
qualification and oath of *ex officio* justices ... 379
jurisdiction in cases under by-laws ... 380
magistrate not disqualified in certain cases ... 380
penalties, recovery, enforcement and application ... 380-381
witnesses and jurors ... 381
who may be witnesses ... 381
ratepayers, members and officials of corporations as jurors ... 382
compelling attendance of witnesses ... 382
convictions under by-laws, form of ... 382
executions against municipalities ... 383
proceedings on writs ... 383
sheriff, duty of ... 383
negligence, tender of amends in actions for ... 384
contracts with members of council void, when ... 385
police office and police magistrate ... 385
in cities and towns ... 385
when mayor or justice of the peace may act ... 385
clerk of police office ... 385
police commissioners, board of ... 386
power of as to witnesses ... 386
quorum ... 387
meetings in cities to be public ... 387
licensing junk shops, livery stables, cabs, etc ... 387
by-laws of board, how authenticated and proved ... 387-388
enforcement of ... 388
high bailiff—chief constable ... 388
police force—appointment of ... 388
regulations, board may make ... 388

Municipal Institutions.—*Continued.* PAGE.
provisions applicable to all municipalities.—*Continued.*
constables, duties of ... 389
remuneration of ... 389
appointment of, in towns and villages ... 389
in counties and townships ... 389
arrests by, for breaches of the peace ... 390
suspension of ... 390
dissolution of boards in towns ... 389
fees of salaried constables ... 389
court houses, gaols, etc ... 390
erection, care and maintenance of ... 390
lock-up houses, establishment of ... 390-391
councils may acquire land for industrial farms etc ... 392
sheriff shall have care of gaol ... 394
gaoler to be paid a yearly salary ... 394
county councils to have care of court house ... 394
what they shall provide ... 394
how city gaols to be regulated ... 395
insurable interests of corporations ... 396
misconduct, inquiry into charges of ... 398
posse comitatus, when mayor may call out ... 398
councils, powers of ... 399
counties, townships, cities, towns and incorporated villages ... 399
obtaining property ... 400
appointing officers ... 400
harbours, docks, etc ... 400
aiding agricultural societies ... 401
" rifle associations ... 402
" bands of music ... 402
" road companies ... 402
" indigent persons and charities ... 402
taking a census ... 402
driving on roads and bridges ... 402
drainage ... 403
egress from buildings ... 403
size and strength of walls ... 403
fines and penalties ... 403
ornamental trees ... 404
seizing bread ... 405
acquiring land for parks ... 405
intelligence offices ... 405
bathing houses ... 406
acquiring water rights ... 406
gas and water ... 406
discovery of crimes ... 407
summary remedy if by-laws not obeyed ... 407
compensation for lands taken or injured ... 407-411
townships, cities, towns and incorporated villages ... 412
respecting polling subdivisions ... 412
" disqualification of electors for non-payment of taxes ... 413
" water and water works ... 414
" reduction of sinking fund ... 414
" billiard or bagatelle tables ... 414
" victualling houses ... 414
" licensing transient traders ... 415
" schools ... 415
" cemeteries ... 415
" graves ... 417
" dogs ... 417
" scaffolding ... 417
" fences ... 418
" division fences ... 418
" snow fences ... 418

Municipal Institutions.—*Continued.* PAGE.
powers of towns and incorporated villages.—*Continued.*
by-laws respecting water courses ... 418
" weeds ... 418
" filth in streets ... 419
" burning stumps, etc ... 419
" gunpowder ... 419
" exhibitions, shows, etc ... 419
" trees ... 420
" injury to property and notices ... 420
" gas and water companies ... 420
" giving intoxicants to minors ... 420
" public morals ... 421
" release of persons arrested for drunkenness ... 421
" nuisances ... 421
" prevention of use of explosives ... 421
" sewerage and drainage ... 422
" inspection of meat, milk, etc ... 422
" licensing milk dealers ... 422
" contagious diseases ... 423
" establishment of boundaries ... 423-424
" acquisition of land outside the limits ... 423
" weighing machines ... 423
" pounds ... 423
" extension of sewers ... 424
" lock-up houses ... 391
townships cities and towns ... 425
respecting plumbers ... 425
" accidents by fire ... 425
counties and cities ... 425
respecting horse thieves ... 425
counties, cities and separated towns ... 426
respecting engineers, gaol surgeons, etc ... 426
" auctioneers ... 426
" hawkers and peddlers ... 426
" ferries ... 427
" high schools ... 428
" support of pupils at high schools, etc ... 428
" endowment of fellowships ... 428
" public fairs ... 429
" junk shops, etc ... 429
" schools for artisans ... 429
cities, towns and incorporated villages ... 430
respecting light and heat ... 430
" begging in the streets ... 431
" enclosure of vacant lots ... 431
" driving upon sidewalks ... 431
" importuning travellers ... 431
" interments ... 431
" erection of hoists and elevators ... 431
" wooden buildings ... 431
" dwellings on narrow streets ... 432
" prevention of fires ... 432-433
" removal of snow, ice and dirt ... 433
" removal of obstructions to wharves ... 433
" waters, etc ... 434
" obstruction of roads and streets ... 434
" numbering houses and lots—record of streets ... 434
" naming streets ... 434
" cellars ... 435
" sewerage and drainage ... 435
" user of streets ... 436
" cab stands ... 436
" telegraph poles ... 436

Municipal Institutions.—*Continued.* PAGE.
cities, towns and incorporated villages.—*Continued.*
respecting children riding behind waggons 436
" sale of tobacco 436
" inspection of bathing and boat houses 436
" night watchman 437
" markets, etc 437-442
" assize of bread 442
cities and towns 442
respecting police 442
" industrial farms—exhibitions 442
" almshouses—charities 443
" corporation surveyor 443
" gas and water 443-445
" street railways 443
townships, towns and villages 445
respecting borrowing money for drainage purposes 446
" grants to high schools and collegiate institutes 446
powers to towns towns and incorporated villages 446
respecting vehicles and livery stables 446
towns 446
respecting the regulation of teamsters 446
counties 447
respecting protection of booms 447
" guaranteeing debentures 447
" fences 447
" width of sleigh runners 448
" livery stables, etc 448
" board of audit—criminal justice account 448
" improvements by either county of a union 449
" support of destitute insane persons 449
" roads and bridges 475
cities 450
respecting the entertainment of guests 450
" aid to Toronto University 450
townships 450
respecting statute labour 450
" town halls 451
" ferries 452
" purchasing marsh lands 452
" boundaries of marsh lands 452
" nuisances 453
" dry earth closets 453
" obstructions to streams and water courses 453
" portable steam engines 453
" bounties for the destruction of foxes 453
" repair of roads 454
highways and bridges, powers and duties as to 454
general provisions relating to 454
highways defined 455
freehold in the crown 455
jurisdiction of councils 455
possession in municipalities 455
acquiring roads, etc., for public avenues 456
assumption of county bridges by villages 456
liability for repairs 456-457
county roads and bridges 458
bridges between municipalities 458
maintaining township roads 261-462
driftwood in rivers and streams 462
roads under joint jurisdiction 463
transfer of former powers of sessions to county councils 464
roads and bridges vested in Her Majesty 464
roads on Dominion lands 464

Municipal Institutions.—*Continued.* PAGE.
highways and bridges, powers and duties as to.—*Continued.*
relating to roads necessary for ingress and egress 465
width of roads 465
conditions precedent to by-laws affecting public roads 466
registration of road by-laws 466
oaths in disputes respecting roads, who may administer 467
mistakes in opening road allowances 467
counties, townships, towns and incorporated villages 468
general powers 468-469
tolls 469
regulations as to dangerous places 469
timber, stone, etc., on road allowances 469
road or bridge companies, granting privileges to 470
procuring materials for roads 470
road allowances 470
possession of, when unopened 471
notice of by-laws for opening 471
aid to adjoining municipality for roads or bridges 471
aiding bridge companies 472
townships, cities, towns and villages, powers of 472
aiding counties in making roads and bridges 472
joint works with other municipalities 472
repair of township roads, how enforced 473-475
counties and townships, powers of 475
minerals on or under roads, sale or lease of 475
counties, powers of 475
closing and sale of road allowances 476
opening, altering or closing of roads and bridges 476
clearing trees on side of highway 476
double tracks in snow roads 476
aid to local municipalities 477
maintenance of county roads in local municipalities 477
toll roads, disposal of 477
townships, powers of 477
aiding counties in making roads 477
road allowances 478
clearing trees on side of highway 478
footpaths 478
road allowances within hamlets 478-479
drainage and other improvements paid for by local rate 479
"referee" and "reference," meaning of 480
in townships, cities, towns and villages 479
local drainage by-laws, and fund for 480-481
complaints respecting assessments, how tried 483-484
quashing by-laws, limitations respecting 487-489
amending by-laws when means insufficient 489
debentures not invalid for not conforming to by-law 489
extension of works into other municipalities 489
lands in other municipalities, how charged 489-496
which municipality shall bear expense 489
plans and specifications 490
council of initiating municipality, duty of 490
municipality notified, duty of 490
" " may appeal 490
each municipality to contribute toward maintenance 491
duty of minor municipalities 493
power to change course of drain 493
where benefits confined to one municipality, costs of construction and repairs how paid 493
drains to be kept free from obstructions 494
power to borrow funds for repairs 495
use of drain by another municipality 495
damage done by works 496

Municipal Institutions.—*Continued.* PAGE.
Drainage and other improvements, etc.—*Continued.*
outlet for private drains ... 496
spreading earth on and grubbing road ... 497
ditch on town line between municipalities ... 497
works affecting several municipalities in same county ... 497-498
works affecting municipalities in different counties, procedure 498
where work approved by council, procedure ... 499-501
application of *Railway Streets and Drains Act* ... 501
local improvements other than drainage works ... 502-517
sweeping, watering, lighting, etc., certain streets or areas .. 517
assessment of places of worship ... 516
townships and villages ... 518
lighting and waterworks ... 519
counties ... 519
local improvements in townships ... 519
acquiring and improving roads and other works ... 520
cities and separated towns ... 520
acquisition of toll roads ... 521
abolition of market fees ... 521
railways, powers as to ... 521
aid to ... 521
when head of council to be director *ex officio* ... 522
railways and tramways on highways, etc ... 523
grouping clauses repealed ... 524
powers of certain municipalities as to aiding iron smelting works ... 524
police villages ... 524
formation of ... 525
trustees ... 525
election of ... 526-528
duties and powers of ... 529
regulations to be enforced in ... 530-531
penalties, who to sue for ... 531-532
confirming and saving clauses ... 532-533
forms. (*See Schedules A to M*) ... 533-543
Muskoka and Parry Sound, Act respecting the collection of taxes in Muskoka and Parry Sound ... 652
allowance to sheriffs for collection of taxes ... 652
sheriffs to pay over amounts received half-yearly ... 652
audit of sheriff's books ... 652

NATURAL GAS, Act to prevent the wasting of and to provide for the plugging of all abandoned wells ... 659
gas not to be permitted to escape from unused wells ... 660
abandoned wells to be filled up ... 660
penalty ... 660
entry on lands to close wells ... 660
power to take possession of wells and plug same ... 661
Neebing, Municipality of, Act to amend the law respecting ... 722
Niagara, Diocese of, Act to amend the Act incorporating the Synod of ... 956
Niagara Falls, Village of, Act respecting ... 727
Niagara Falls Park, agreement between Commissioners and Canadian Niagara Power Co., confirmed ... 103
Niagara Falls Park and River Railway Company, Act to incorporate ... 838
North Toronto, Town of, Act to confirm by-laws numbers 76 and 77, and for other purposes ... 729

ONTARIO JOINT STOCK COMPANIES' LETTERS PATENT ACT, Act to amend ... 188
companies manufacturing cheese may manufacture and sell butter ... 188
extension of business by cheese manufacturing companies ... 189
Ontario Land Surveyors. *See* Surveyors.
Ontario Ship Railway Company, Act to incorporate ... 860
Ontario Voters' Lists Act, incorporated with Act respecting voters' lists in unorganized territories ... 9

PAGE.
Oshawa, Act to consolidate the debt of the town of ... 740
Ottawa, City of, Act respecting ... 745
Owen Sound, Town of, Act to consolidate the debt of ... 746

PARRY SOUND COLONIZATION RAILWAY, aid to ... 239
People's Life Insurance Company, Act to incorporate ... 933
Poison, not to be used in spraying fruit trees while in bloom ... 153
Police Magistrates, Act respecting county police magistrates ... 149
when appointment to be made ... 149
salary ... 149
commission to define jurisdiction ... 149
discontinuance of appointment ... 149
justices of the peace not to act where police magistrates appointed ... 149
jurisdiction ... 150
Port Arthur, Town of, Act respecting ... 751
Port Arthur, Duluth and Western Railway, aid to ... 238
Protection of persons employed in places of business other than factories, Act respecting ... 658
application of Act ... 658
sanitary arrangements in places of business ... 658
penalty ... 658
appointment of inspectors ... 658
application of fines and penalties ... 659
Provincial Fisheries, Act for the protection of ... 140
application of Act ... 140
interpretation ... 140
number of bass which may be killed in one day ... 140
bass less than ten inches long to be returned to water ... 141
number and weight of trout which may be killed in one day ... 141
trout less than five inches long to be returned to water ... 141
certain fish to be caught with hook and line only ... 141
use of certain snares and nets without license prohibited ... 141
fish not to be taken in mill heads, etc ... 141
use of explosives in fishing prohibited ... 141
penalty for fishing in close season ... 142
licenses to settlers and Indians to use night lines ... 142
fish and game commissioners to have supervision of fisheries ... 142
powers and duties of commissioners ... 142
to report upon certain matters ... 143
fish artificially propagated, property in ... 143
fishing in private waters without permission ... 143
fish taken for scientific purposes ... 143
prosecutions, who may be complainant in cases of contravention of Act ... 143
committal on non-payment of fine ... 143
evidence ... 143
hearing and determining complaints ... 144
limitation of ... 144
application of fines and forfeiture of instruments used ... 144
procedure ... 144
Provincial Land Surveyor. *See* Surveyors.
Public Officers, Act respecting the fees of certain public officers ... 150
net income, meaning of ... 150
division court clerks' fees ... 151
local registrars' deputy clerks' of the crown, county court clerks' and surrogate registrars' fees ... 151
registrar's fees ... 151
sheriffs' fees ... 151
annual returns of fees received ... 151
application of fees paid over to the province ... 152
fees of returning officers not affected ... 152
regulations and appointment of inspectors ... 152
disbursements to be subject to revision by inspectors ... 152
Public Schools. *See* School Laws.

PAGE.

QUEEN VICTORIA NIAGARA FALLS PARK, agreement between Commissioners and Canadian Niagara Power Company confirmed 103

RAILWAYS, Act respecting aid to certain railways 238
aid to Port Arthur, Duluth and Western railway 238
Lieutenant-Governor may require arrangements with Ontario and Rainy River railway 238
aid to Vaudreuil and Ottawa railway 239
aid to Parry Sound Colonization Co 239
aid to Irondale, Bancroft and Ottawa railway 240
land subsidy fund 240
Brockville, Westport and Sault Ste. Marie 810
Carp Almonte and Lanark 811
Hamilton, Grimsby and Beamsville Electric 824
Niagara Falls Park and River 828
Ontario Ship Railway 860
Toronto and Mimico Electric Railway and Light Co 874
Toronto Railway 888
Rat Portage, Town of, Act to incorporate 753
Registration of debentures, Act to amend the Debentures Registration Act. 557
Registry Act, Acts to amend 155, 156
registration of plans in cities and towns 155
office hours on Saturday in York and Toronto offices 156

Renfrew, Village of, Act to enable corporation of to issue certain debentures 760
Rivers, Streams and Creeks, Act for the further protection of the public interest in 156
damage of bridges, watermains, etc., by removing stones from river beds prohibited 156
penalty 156
Road Companies. *See* General Road Companies' Act.

SALES AND MORTGAGES OF PERSONAL PROPERTY, Act to further amend the law respecting 158
goods not in control or custody of bargainor 158
meaning of void as against creditors 158
meaning of actual and continued change of possession 158
subsequent possession not to validate sale, otherwise void 158
agreements that property not to pass until payment 158
goods marked with name of manufacturer, etc 159
Sandwich East, Township of, Act to provide for the division of 764
School laws, Act to amend and explain certain portions of 671
rights of owner compelled to pay school rate by default of tenant 671
expenses of publishing by-laws 671
exemption from taxation by by-law not to extend to school rates 672
adjustment of assets and liabilities upon union of municipalities 672
Seymour, Township of, Act respecting 766
Sheep, Act to amend the Act to impose a tax on dogs and for the protection of 659
Sheriff, Act to amend the Act respecting the office of 96
office hours on Saturdays in York and Toronto offices 96
Act respecting the duty of, on arresting persons under civil process .. 148
Act of Geo. II. not to apply in Ontario 148
sheriff to allow debtor to be taken to house 148
deposit of money in lieu of bail 148
See Voters' Lists in Unorganized Territories.
Soden, Mary, Act to enable, to sell certain lands in the city of Guelph 961
Solicitors, law society authorized to admit women to practice as 173
Strathroy, Town of, Act respecting the debenture debt of 767
Succession Duties, Act to provide for the payment of, in certain cases 97
when Act shall not apply 97
property passing on death of owner to be liable to duty 97
amount of duty 98
inventory of estate and bond for payment of duty 98

Succession Duties.—*Continued.* PAGE.
appraisement of property by sheriff.... 99
fees of sheriff....
assessment of property by surrogate registrar.... 99
appeals from appraisement or assessment.... 100
bequests to trustees, etc.... 100
duty payable on future estates or interests.... 100
duties to be payable within 18 months from death of owner.... 100
extension of time for payment of duty.... 100
duty to be deducted before property delivered.... 101
sale of property for payment of duty.... 101
duty to be paid to provincial treasurer.... 101
refund of duty where debts subsequently pr ved 101
enforcing payment of duty.... 101
costs.... 101
fees of judges and registrars.... 101
security to be given by registrars.... 102
Lieutenant-Governor may make regulations.... 102
Sudbury, Town of, Act to incorporate.... 771
Supplies for Civil Government for 1892.... 1
Surveyors, Act to incorporate the association of Ontario land surveyors and to amend the Act respecting land surveyors and the survey of land 177
association incorporated-powers.... 177
council of management, appointment and election o 178
di missal or suspension of members by.... 187
examiners, fees of.... 182
fees of members of association.... 182
first election of officers and council.... 182
subsequent elections.... 183
registrar, secretary-treasurer, to act as 183
to keep register of members.... 183
not to admit improper entries.... 184
to keep register of practising surveyors.... 185
penalty for making improper entries.... 185
effect of omitting to register.... 183
removal of names from list.... 184
who shall be entitled to register.... 184
omission to register through absence.... 184
penalty for practising while unregistered.... 184
penalty for procuring registration by fraud.... 185
recovery of fees and penalties.... 185
service of notices.... 186
application of funds.... 186
accounts to be kept.... 187
Ontario land surveyor to include Provincial land surveyors.... 188
forms.... 188
Synod of the Diocese of Niagara, Act to amend the Act incorporating and to authorize the sale of certain lands.... 956
TAX ON DOGS AND PROTECTION OF SHEEP, Act to amend the Acts respecting.... 659
Taxation of patented lands in Algoma and Thunder Bay. *See* Algoma and Thunder Bay.
Taxes. *See* Assessment of Property—Muskoka and Parry Sound.
Thessalon, Town of, Act to incorporate.... 774
Timber Slide Companies Act, Act to amend.... 190
inspection of works when alleged to be deficient.... 190
tolls, scale of.... 192
varying scale.... 192
Tobacco, Act respecting the use of, by minors.... 656
penalty for supplying to persons under eighteen.... 656
exception where purchase made by child for parents.... 656
presumption as to age.... 656
Toronto, City of, Act respecting.... 779
Toronto and Ashbridge's Bay Improvement Company, Act to incorporate.. 937

PAGE.

Toronto and Mimico Electric Railway and Light Company (limited), Act respecting ... 874
Toronto Railway Company, Act to incorporate, and to confirm an agreement between the corporation of the City of Toronto and George W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth ... 888
Toronto Junction, Town of, Act respecting ... 799
Toronto University. *See* University of Toronto.

UNIVERSITY OF TORONTO, Act to amend the Act respecting the federation of, with other universities and colleges ... 673
library fees ... 673
fees of students ... 673
payment of interest on endowment ... 673
Act to amend the Act respecting the property of University of Toronto, University College and Upper Canada College ... 674
debentures of university ... 674
Act to empower, to deal with certain Upper Canada College lands ... 674
former site of college vested in crown for university ... 675
authority to lease or sell ... 676
advancement of funds out of capital ... 676
disposition of balance ... 676
setting apart land in lieu of $100,000 charge in favor of college ... 676
further expenditure upon college ... 677
Unorganized territories. *See* Voters' Lists in Unorganized Territories.
Upper Canada College. *See* University of Toronto.

VAUDREUIL AND OTTAWA RAILWAY, aid to ... 239
Voters' Lists in Unorganized Territories, Act respecting ... 6
qualifications to be the same as under *Manhood Suffrage Act* ... 6
residence necessary to qualify ... 6
sheriffs to prepare lists ... 6
police magistrate to act where no sheriff ... 6
officer preparing list to take oath ... 6
form of oath ... 10
copy of Act and notice of preparation of list to be posted up ... 6
form of notice ... 10
sheriff or magistrate to perform duties of court of revision and judge ... 7
ascertaining who may be enrolled ... 7
deputies, how many may be appointed, no civil servant to act ... 7
lists to have separate part for each polling place ... 7
voter to vote where enrolled ... 7
certified lists to be deposited in certain offices ... 8
appeals to be to stipendiary magistrate, district or county judge ... 7
what may be the subject of ... 8
where to be heard ... 8
notice of hearing to be given ... 8
form of notice of hearing ... 10
affidavit of officer verifying lists ... 8
fees and expenses ... 9
qualification of voters when no list prepared ... 9
person preparing list not to be a candidate ... 9
penalty for misconduct of officers ... 9
commencement of Act ... 9
forms ... 10

WAGES, Act to amend the Act respecting ... 159
employers of absconding debtors ... 160
Waterworks. *See* Gas and Water Companies.
Western University of London, Ontario, Act to amend the Act to incorporate ... 959
Windsor, City of, Act to incorporate ... 808
Wolves, Act to amend the Act to encourage the destroying of ... 670
bounty increased to $10 ... 670

Wolves.—*Continued.* PAGE.
refund of portion of bounty by Provincial Treasurer 670
in districts, reward to be paid by Provincial Treasurer 670
officer to whom head produced to cut off ears and give certificate 670
regulations by Lieutenant-Governor in council 671
Women, Act to provide for admission to practice as solicitors 173
Workmen. *See* Protection of persons employed in places of business other than factories .....
Workmen's Compensation for Injuries Act, 1892 161
interpretation 161
when workman to have claim for injuries against employer 162
who to be deemed employers 163
injuries to workmen employed on railways 163
exceptions from liability 164
limit of amount of compensation 165
distribution of compensation 165
limitation of actions 165
when contract by workman shall constitute a defence 165
liability of personal representatives of employer 166
deduction of penalties from amount of compensation 166
form and service of notice of injury 166
defence of want of notice 167
assessors, appointment of, to determine damages 168
consolidation of actions 170
computation of time 171
forms and rules in actions 171
repealing and saving provisions 172

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